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VOLUME I

TRANSCRIPT OF RECORD

Supreme Court of the United States

OCTOBER TERM, 1961

No. 40

DAVID D. BECK, PETITIONER,

vs.

WASHINGTON.

ON WRIT OF CERTIORARI TO THE SUPREME COURT OF THE
STATE OF WASHINGTON

PETITION FOR CERTIORARI FILED JANUARY 19, 1961

CERTIORARI GRANTED APRIL 2, 1961

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1961

No. 40

DAVID D. BECK, PETITIONER,

vs.

WASHINGTON.

ON WRIT OF CERTIORARI TO THE SUPREME COURT OF THE
STATE OF WASHINGTON

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[fol. 1]

[File endorsement omitted]

**IN THE
SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY**

30967

STATE OF WASHINGTON, Plaintiff,

vs.

DAVID D. BECK, also known as DAVE BECK, Defendant.

INDICTMENT—Filed July 12, 1957

David D. Beck, also known as Dave Beck, is accused by the Grand Jury of the County of King, State of Washington, by this indictment, of the crime of Grand Larceny, committed as follows:

He, the said David D. Beck, also known as Dave Beck, in the County of King, State of Washington, on or about the third day of February, 1956, then and there having in his possession, custody or control as agent, bailee, employee, servant, officer or trustee, certain personal property, to-wit: the sum of \$1900.00, lawful money of the United States, the property of the Western Conference of Teamsters, an unincorporated association organized as a labor union, the said \$1900.00 being derived from the sale to one Martin B. Duffy on or about the thirtieth day of January, 1956, of one 1952 Cadillac automobile, motor number 526004746, the property of said Western Conference of Teamsters, the said David D. Beck, also known as Dave Beck, in the County of King, State of Washington, on or about the third day of February, 1956, then and there did [fol. 2] wilfully, unlawfully and feloniously secrete, withhold or appropriate the said \$1900.00 to his own use with intent to deprive and defraud the owner thereof:

Contrary to the statute in such case made and provided, and against the peace and dignity of the State of Washington.

—Plea of Not Guilty—

Dated at Seattle, in said County of King, State of Washington, this 12th day of July 1957.

Charles O. Carroll, Prosecuting Attorney of King County.

Indorsed: A true bill

Andrew C. Dalglish, Foreman of the Grand Jury of King County.

Copy rec'd 7-12-57, W. Wesselhoeft, Atty for Def.

[fol. 3] Witnesses: M. J. Devine, Frank E. Dutton, M. B. Lake, Martin B. Duffy, Donald D. McDonald, Ken Eline, David L. Forrest, Alfred Roger Hill, Charles V. Leaf, Carl E. Houston, Ludwig Lobe, Samuel B. Bassett, Frank W. Brewster, Marcella M. Guiry, William H. Marx, Russell Schley, Louise Sartor, E. E. Hepper, J. J. David, Roger Jones, William F. Devin.

[fol. 14]

[File endorsement omitted]

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

No. 30967

[Title omitted]

ORDER ON AMENDED MOTION FOR ORDER PERMITTING DEFENDANT TO PUBLISH AND INSPECT TRANSCRIPT OF GRAND JURY VOIR DIRE AND ALLOWING DEFENDANT TO PUBLISH AND INSPECT TRANSCRIPT OF SAID GRAND JURY PROCEEDINGS—September 20, 1957

This Matter having come on for hearing upon the defendant's motion for order permitting defendant to publish and inspect transcript of grand jury voir dire and allowing defendant to publish and inspect transcript of said grand jury proceedings;

And the Court having heard argument of counsel on September 16, 1957 and having considered the authorities submitted,

It Is Hereby Ordered and Adjudged that:

(1) The aforesaid motion is and shall be granted insofar as it relates to proceedings in Open Court;

(2) The aforesaid motion is otherwise denied.

An exception is allowed to the defendant.

The defendant is hereby granted until October 18, 1957 to file motions to set aside the indictment.

Done in Open Court this 20 day of September, 1957.

Lloyd Shorett, Judge.

Presented by:

Charles S. Burdell, Attorney for Defendant.

Approved as to Form:

Charles Z. Smith, Deputy Pros. Atty.

[fol. 15]

[File endorsement omitted]

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

FOR KING COUNTY

No. 30967

[Title omitted]

ORDER DENYING MOTION TO STRIKE FROM TRIAL CALENDAR
—September 23, 1957

This Case having been heard on September 20, 1957 on motion of the defendant to strike the case from the trial calendar; and the Court having heard argument of counsel,

It Is Hereby Ordered, Adjudged and Decreed that the motion of the defendant to strike the case from the trial calendar is hereby denied, without prejudice to the right

of the defendant to file a timely motion for continuance of the trial date.

An exception is hereby allowed to the defendant.

Done in Open Court this 23 day of September, 1957.

Malcolm Douglas, Judge.

Presented by:

Phil H. De Turk, Attorney for Defendant.

Approved:

Charles Z. Smith, Deputy Prosecuting Attorney.

[fol. 16] [File endorsement omitted]

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

FOR KING COUNTY

No. 30967

[Title omitted]

MOTION FOR CONTINUANCE—Filed October 2, 1957

Now Comes the defendant Dave Beck, by and through his attorney, and moves:

For reconsideration of the oral motion previously made to strike the above case from the trial calendar; and

For an order continuing the trial of the above entitled case, which is now set for October 28, 1957, to a date not earlier than May 1, 1958, or to such other date as the court shall find that the defendant may be accorded a fair and impartial trial, with full right of representation by counsel and time within which to prepare his defense, and with right of the defendant to move for a further continuance upon a showing that such continuance is necessary to protect the aforesaid rights of the defendant.

This Motion is based upon the files and records herein, including the affidavit of Charles S. Burdell, and upon Article I, Sections 3 and 22 of the Washington State Con-

stitution and upon Amendment X of the Washington State Constitution, and upon Amendment VI and XIV to the Constitution of the United States.

Charles S. Burdell, Attorney for Defendant.

[fol. 29]

[File endorsement omitted]

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY
No. 30967

[Title omitted]

MOTION FOR CHANGE OF VENUE—Filed October 3, 1957

Now Comes the defendant, David D. Beck, also known as Dave Beck, by and through his attorney, Charles S. Burdell, and respectfully moves that the venue of the aforesaid action be transferred and removed from King County, State of Washington, to Whatcom County, State of Washington or Snohomish County, State of Washington, on the ground that it is and will be impossible for said defendant to obtain a fair, impartial trial in King County by reason of hostility and prejudice against the defendant existing among and throughout the population of King County.

This Motion is based on the files and records herein and on the affidavit of Charles S. Burdell attached hereto and made a part hereof.

Charles S. Burdell, Attorney for Defendant.

[fol. 30]

[File endorsement omitted]

No. 30967

**AFFIDAVIT IN SUPPORT OF MOTION FOR CHANGE OF VENUE—
Filed October 4, 1957**

**State of Washington,
County of King, ss.:**

Charles S. Burdell, being first duly sworn, on oath deposes and says:

That he is one of the attorneys for the defendant herein; that he has previously filed affidavits and exhibits in this case illustrating and referring to newspaper reports and other publicity media which have resulted in hostility and prejudice towards the defendant herein among and throughout the population of King County, State of Washington.

That affiant is advised and believes, and therefore avers, that similar publicity has been circulated and distributed throughout the State of Washington, and throughout the United States, and that there exists throughout said State and throughout the United States an attitude and atmosphere of extreme hostility and prejudice towards the defendant, but affiant is further advised and believes, and therefore avers, that such hostility and prejudice is less extreme and less intense in the counties of Whatcom and Snohomish, State of Washington, because there is only one television station located in Whatcom County, and none located in Snohomish County, and that television signals from stations located in King County reach a smaller proportion of the communities of Whatcom and Snohomish Counties than of King County; that newspapers published [fol. 31] in King County have emphasized and prominently displayed newspaper reports of an adverse and disparaging nature to a greater degree than have newspapers published in Snohomish County and Whatcom County.

That affiant has observed and is advised, and therefore avers, that jury panels selected in King County, if not invariably, include employees of the Boeing Airplane Company; that within recent years there has been a bitter jurisdictional dispute between the International Brotherhood of

Teamsters and Aeromechanics Union concerning the right to represent employees of the aforesaid company; that affiant is advised and believes, and therefore avers, that said dispute has resulted in an attitude of bitterness, prejudice and hostility among employees of the aforesaid Boeing Airplane Company against officers and representatives of the International Brotherhood of Teamsters, including the defendant herein.

That in view of the foregoing circumstances, and other exhibits and affidavits on file in the above entitled case, affiant believes and therefore avers that although an attitude of hostility and prejudice against the defendant exists throughout the State, such attitude is less extreme and intense in Whatcom County and Snohomish County.

Charles S. Burdell

Subscribed and sworn to before me this 3rd day of October, 1957.

Donald McL. Davidson, Notary Public in and for the State of Washington, residing at Seattle.

[fol. 37]

[File endorsement omitted]

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

No. 30967

[Title omitted]

ORDER RE MOTION FOR CONTINUANCE—October 11, 1957

This Cause having come on for hearing upon the defendant's motion for reconsideration of the oral motion previously made to strike the above case from the trial calendar, and for an order continuing the trial of the above entitled case to a date not earlier than May, 1958, with right of the defendant to move for a further continuance; and

It having been stated by counsel for the defendant that the aforesaid motion is based (1) upon the ground that an attitude of prejudice and hostility exists within King County toward the defendant, so that a fair and impartial trial cannot be had on any date prior to May 1, 1958, and possibly thereafter; and (2) upon the ground that the additional time is necessary to the defendant for the preparation of his defense; and

The Court having heard argument of counsel and having considered affidavits and memoranda of law; and

The Court being of the opinion that the attitude toward the defendant within King County will not be substantially different in May, 1958 than it is at the present time, or [fol. 38] will only be slightly different;

Now, Therefore, It Is Hereby Ordered, Adjudged and Decreed:

That the defendant's motion, insofar as it is based upon the ground designated as (1) above, is hereby denied;

That the motion, insofar as it is based upon the ground designated as (2) above, is granted, and the above entitled case is hereby set for trial on December 2, 1957.

An exception is hereby allowed to the defendant from the above ruling insofar as it relates to the denial of the motion on the ground designated in (1) above.

Done in Open Court this 11th day of October, 1957.

Malcolm Douglas, Judge.

Presented by:

Charles S. Burdell, Of Ferguson & Burdell, Attorneys for Defendant.

Approved as to Form:

Charles Z. Smith, Deputy Prosecuting Attorney.

[fol. 39]

[File endorsement omitted]

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY**

No. 30967**[Title omitted]**

**ORDER DENYING MOTION FOR CHANGE OF VENUE—
October 11, 1957**

This Cause having come on for hearing on Oct. 7, 1957 upon the defendant's motion for change of venue, and the Court having heard argument of counsel and considered the authorities submitted by counsel; and being fully advised in the premises, now, therefore,

It Is Hereby Ordered, Adjudged and Decreed that the defendant's motion for change of venue shall be and is hereby denied.

Exception is allowed to the defendant.

Done in Open Court this 11th day of October, 1957.

Hugh Todd, Judge.

Presented by:

Charles S. Burdell, Of Ferguson & Burdell, Attorneys for
Defendant.

Approved as to Form:

Charles Z. Smith, Deputy Prosecuting Attorney.

[fol. 97]

[File endorsement omitted]

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY**

No. 30967**[Title omitted]**

**MOTION TO SET ASIDE AND DISMISS INDICTMENT—Filed
October 18, 1957**

Comes Now David D. Beck, also known as Dave Beck, defendant herein, by and through his attorneys of record herein, and respectfully moves to set aside and dismiss the indictment on the following grounds:

1. That the grand jurors were not selected, drawn, summoned, impaneled or sworn as prescribed by law.

2. That unauthorized persons, not required or permitted by law to attend sessions of the grand jury were present before the grand jury during the investigation of the allegations of the indictment.

3. That persons other than the grand jurors were present before the grand jury during consideration of the matters and things charged in the indictment.

4. That the proceedings of the grand jury which returned the indictment were conducted in an atmosphere of extreme bias, prejudice and hostility toward this defendant, and that said atmosphere was in part created by the Prosecuting Attorney and by persons acting or claiming to act upon his behalf; all of which was prejudicial to this defendant [fol. 98] and which has denied and will continue to deny him rights guaranteed under the 14th Amendment of the Constitution of the United States, Amendment 10 of the Constitution of the State of Washington, and Article I, § 3 of the Constitution of the State of Washington.

5. That by reason of extreme bias, prejudice and hostility toward the defendant herein, contributed to in part by the conduct of the Prosecuting Attorney and persons acting or claiming to act upon his behalf, it is and will be impossible for the defendant to secure and obtain a fair and impartial trial in the jurisdiction of this Court, all of which is and will be prejudicial to this defendant and which will constitute a denial of his rights guaranteed under the 14th Amendment of the Constitution of the United States, Amendment 10 of the Constitution of the State of Washington, and Article I, § 3 of the Constitution of the State of Washington.

6. That the Court erred in its instructions and directions to the Grand Jury to the prejudice of the defendant and in denial of rights guaranteed under the 14th Amendment of the Constitution of the United States, Amendment 10 of the Constitution of the State of Washington, and Article I, § 3 of the Constitution of the State of Washington.

7. That there were excluded from the Grand Jury persons of defendant's financial, social and business class and occupation, contrary to the 14th Amendment to the Constitution of the United States, and contrary to Article I, § 3 of the Constitution of the State of Washington.

[fol. 99] 8. That the defendant herein was required and compelled to give evidence against himself, contrary to the provisions of Article I, § 9 of the Constitution of the State of Washington and the 5th and 14th Amendments of the Constitution of the United States.

9. That the Grand Jury committed misconduct in violation of RCW 10.28.085 and RCW 10.28.100.

This motion is based upon all of the files, records, transcripts, exhibits and affidavits herein.

Ferguson & Burdell, Attorneys for Defendant.

[fol. 101]

[File endorsement omitted]

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY**

No. 30967

[Title omitted]

CHALLENGE TO GRAND JURY—Filed October 18, 1957

Comes Now the defendant herein and challenges each and all of the members of the grand jury which returned the indictment herein for the reason and on the grounds that the Court which impaneled said grand jury made no determination as to whether a state of mind existed on the part of any juror such as would render him unable to act impartially and without prejudice.

Ferguson & Burdell, Attorneys for Defendant.

[fol. 102]

[File endorsement omitted]

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY**

No. 30967

[Title omitted]

**PLAINTIFF'S REPLY AND ANSWER TO DEFENDANT'S MOTION FOR
BILL OF PARTICULARS—Filed November 1, 1957**

Comes Now the Plaintiff, State of Washington, appearing by and through Charles O. Carroll, Prosecuting Attorney in and for the County of King, by and through his deputy, Charles Z. Smith, and by way of reply and answer to defendant's motion for bill of particulars does state as follows:

I

That the defendant is not entitled to a bill of particulars under the laws of the State of Washington;

II

That the indictment is sufficient to indicate to the defendant the nature and cause of the accusation against him under the laws of the State of Washington.

Done This 1st day of November, 1957.

Charles O. Carroll, Prosecuting Attorney, By Charles
Z. Smith, Deputy Prosecuting Attorney.

[fol. 103]

[File endorsement omitted]

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

FOR KING COUNTY

Number 30967

[Title omitted]

PLAINTIFF'S REPLY AND ANSWER TO DEFENDANT'S MOTION
TO SET ASIDE AND DISMISS THE INDICTMENT—Filed No-
vember 1, 1957

Comes Now the Plaintiff, State of Washington, appearing by and through Charles O. Carroll, Prosecuting Attorney in and for the County of King, by and through his deputy, Charles Z. Smith, and by way of reply and answer to defendant's motion to set aside and dismiss the indictment, does state as follows:

I

That the plaintiff denies each and every material allegation contained in defendant's affidavit and motion to set aside and dismiss the indictment;

II

That defendant's motion and affidavit are insufficient as a matter of law;

III

That the grand jurors were selected, drawn, summoned, impaneled and sworn as prescribed by the laws of the State of Washington;

IV

That no unauthorized persons were present before the grand jury during the investigation of the allegations of the indictment;

[fol. 104]

V

That no unauthorized persons were present before the grand jury during consideration of the matters and things charged in the indictment;

VI

That the allegations made in defendant's motion, items 4, 5, 6, 7, 8, and 9, are not proper grounds for setting aside or dismissing an indictment under the laws of the State of Washington.

Dated This first day of November, 1957.

Charles O. Carroll, Prosecuting Attorney, By Charles
Z. Smith, Deputy Prosecuting Attorney.

[fol. 105]

[File endorsement omitted]

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY
No. 30967

[Title omitted]

PLAINTIFF'S REPLY AND ANSWER TO DEFENDANT'S CHALLENGE
TO GRAND JURY—Filed November 1, 1957

Comes Now the Plaintiff, State of Washington, appearing by and through Charles O. Carroll, Prosecuting Attorney in and for the County of King, by and through his deputy,

Charles Z. Smith, and by way of reply and answer to defendant's so-called challenge to the grand jury, does state as follows: that there is no provision under the laws of the State of Washington for such a challenge.

Done This 1st day of November, 1957.

Charles O. Carroll, Prosecuting Attorney, By Charles Z. Smith, Deputy Prosecuting Attorney.

[fol. 118]

[File endorsement omitted]

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY.

[Title omitted]

MOTION FOR SUBPOENAS—Filed November 4, 1957

Comes Now the defendant herein and respectfully applies for an order permitting the defendant to subpoena Mr. William F. Devin, 1310, 1411 Fourth Ave. Bldg., Seattle 1, Washington, and Mr. Victor D. Lawrence, 610 Fourth & Pike Bldg., Seattle 1, Washington, for the purpose of obtaining their testimony in pre-trial proceedings, at a time and place to be designated by the court, for the purpose of eliciting testimony from said witnesses concerning (1) whether or not either or both of said witnesses were engaged in the private practice of law during the period when they were engaged in attendance upon the sessions of the Grand Jury which returned the indictment herein, or were otherwise engaged in performing legal services in connection with the investigation of said Grand Jury; and (2) the conduct of attorneys who appeared before said Grand Jury in the course of the presentation of testimony and evidence thereto.

And the defendant further applies for an order permitting defendant to subpoena Jack Stratton, 3515 West 68th, Seattle, Washington and Fred Verschuren, Jr., Teamsters Building, Fifth and Denny Way, Seattle, Washington, for [fol. 119] the purpose of obtaining their testimony in pre-

trial proceedings, at a time and place to be designated by the Court, for the purpose of eliciting testimony from said witnesses concerning the conduct of attorneys who appeared before said Grand Jury in the course of the presentation of testimony and evidence thereto.

This motion is based upon the files and records herein, including affidavits of Charles S. Burdell and W. Wesselhoeft, relating to their information and belief concerning conduct of the Grand Jury proceedings.

Dated this 4th day of November, 1957.

Charles S. Burdell, Attorney for Defendant.

State of Washington,
County of King, ss.:

Charles S. Burdell, being first duly sworn on oath, deposes and says:

That William F. Devin and Victor D. Lawrence attended sessions of the Grand Jury prior to June 18, 1957.

That affiant is also advised and believes, and therefore avers, that the aforesaid William F. Devin and Victor D. Lawrence were engaged in the private practice of law throughout the period of time when they appeared before and performed services in connection with the Grand Jury and the Grand Jury proceedings; that affiant believes that this fact constitutes grounds for setting aside the indictment herein; that he desires to interrogate the aforesaid [fol. 120] persons with respect to this subject.

That affiant believes that conduct which took place during the interrogation of the witnesses Jack Stratton and Fred Verschuren, Jr. before the Grand Jury constitutes grounds for dismissal or setting aside of the indictment herein, and that affiant desires to interrogate all of the witnesses named in the attached motion with respect to said conduct.

Affiant further certifies that in his opinion the testimony of the aforesaid witnesses is material to the defense in

this case, with particular respect to the validity of the Grand Jury proceedings and the validity of the indictment.

Charles S. Burdell

Subscribed and sworn to before me this 4 day of November, 1957.

Virginia H. Berk, Notary Public in and for the State of Washington, residing at Seattle.

[fol. 121]

[File endorsement omitted]

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

FOR KING COUNTY

[Title omitted]

ORDER RELATIVE TO DEMURRER; MOTION TO SET ASIDE AND DISMISS INDICTMENT; CHALLENGE TO GRAND JURY; MOTION FOR BILL OF PARTICULARS; AMENDED MOTION FOR EXAMINATION OF DOCUMENTS; AND MOTION FOR SUBPOENAS—November 7, 1957

These Matters having come on for hearing before the undersigned judge of the above-entitled court on November 4, 5, and 7, 1957, and the court having heard argument of counsel for both parties and having considered authorities submitted by counsel for both parties,

It Is Hereby Ordered and Adjudged as follows:

1. The demurrer to the indictment shall be and it is hereby overruled and denied. An exception thereto is hereby allowed to the defendant;
2. The motion to set aside and dismiss the indictment shall be and is hereby overruled and denied in its entirety. An exception thereto is hereby allowed to the defendant;
3. The challenge to the grand jury shall be and is hereby overruled and denied. An exception thereto is hereby allowed to the defendant;
4. The motion for bill of particulars is hereby overruled and denied in its entirety. An exception thereto is hereby allowed to the defendant;

5. The motion for disclosure to the defendant of the transcript of the testimony of Jack Stratton and Fred Verschuren, Jr., is hereby denied, and an exception to said ruling is hereby allowed to the defendant; provided, however,

- (a) That the defendant may cause to be transcribed, at his own expense, the entire testimony of the aforesaid witnesses, said transcription to be certified upon oath of the official court reporter; that [fol. 122] the transcription shall be sealed and retained in the file of this case, to be made available to the defendant after the trial of this case and Cause No. 30966 in the event of a conviction and subsequent appeal. An exception to the ruling set forth in Paragraph 5 (a) is hereby allowed to the defendant;

6. Paragraph 1 of the amended motion for examination of documents is granted; provided, however, that such examination and copying shall take place on November 7 and 8, 1957, between the hours of 9:00 A. M., and 5:00 P. M., at the office of the prosecuting attorney; and provided further that such examination and copying shall be conducted by a duly authorized representative of the defendant and his counsel and in the presence of a representative of the prosecuting attorney, if the prosecuting attorney so desires. An exception to this ruling is hereby allowed to the plaintiff;

7. Paragraph 2 of the amended motion for examination of documents is hereby denied in its entirety. An exception to said ruling is hereby allowed to the defendant;

8. The motion for subpoenas is hereby denied. An exception to this ruling is hereby allowed to the defendant.

Done in Open Court this 7th day of November, 1957.

Lloyd Shorett, Judge.

Presented by: John J. Keough of Attorneys for Defendant.

Approved as to form: Charles Z. Smith, Deputy Prosecuting Attorney.

[fol. 123]

[File endorsement omitted]

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY
No. 30967**

[Title omitted]

MOTION FOR CONTINUANCE—Filed November 7, 1957

Comes Now the defendant David D. Beck, also known as Dave Beck, and respectfully moves for a continuance of the trial of the above entitled case for one (1) month, or to such other time as the Court deems sufficient to allow prejudice and hostility to subside, on the ground that there continues to exist throughout the jurisdiction of this Court, as a result of hostile and adverse publicity circulated throughout said jurisdiction relative to the defendant and relative to his associates, an atmosphere of bias and prejudice so extreme that it is and will be impossible, on the date now set for trial, for the defendant to obtain and secure a fair and impartial trial.

This motion is based upon all of the files and records herein, including the affidavit of Charles S. Burdell attached hereto and made a part hereof.

Charles S. Burdell, Attorney for Defendant.

[fol. 124]

**AFFIDAVIT OF CHARLES S. BURDELL IN SUPPORT OF MOTION
State of Washington,
County of King, ss.:**

Charles S. Burdell, being first duly sworn, on oath deposes and says:

That there is being filed herewith copies of illustrative newspaper articles relating to the defendant Dave Beck, and relating to other persons who are known or believed throughout the community to be associated with him. That these articles are a continuance of publicity of the nature and type which has been circulated about and concerning

the defendants herein continually since March, 1957. That similar publicity has been circulated by means of telecasts and broadcasts. That affiant is advised and believes, and therefore avers, that articles of this type (of which the articles filed herein are illustrative only and not inclusive of all such publicity) has resulted in an attitude of extreme prejudice and hostility toward the defendant Dave Beck and the defendant Dave Beck, Jr. and that it will thereby be impossible for said defendants to secure a fair and impartial trial at the dates upon which the cases are now set for trial.

That publicity of the type referred to above has resulted from an investigation and hearing conducted by a United States Senate Committee; that representatives of said committee, including particularly Carmen Bolino and Robert Kennedy, conferred with representatives of the Prosecuting Attorney shortly prior to the commencement of the grand jury proceedings herein; and that representatives of the Prosecuting Attorney, including Victor Lawrence, [fol. 125] conferred in Washington, D. C. with representatives of the aforesaid Senate Committee.

That affiant is also advised and believes, and therefore avers, that at least one representative of the Prosecuting Attorney, namely William Marx, conferred with representatives of the United States Internal Revenue Service at or during the course of the grand jury proceedings.

That the aforesaid hearings of the United States Senate Committee were discontinued or postponed at some time in or about the month of July, 1957; that said hearings were resumed in or about the month of October, 1957; that the resumption of said hearings, and the attendant publicity at a time so near the date now set for trial of these cases, which hearings are expected to continue to and during said trial dates, will result in continued and increased hostility and prejudice toward the defendants as averred above.

That on November 6, 1957, an order was entered denying a motion made by the defendant herein to set aside the indictment; that said motion was based upon the ground that irregularities occurred in connection with the impanelment, selection, drawing and swearing of the grand

jury, and upon the ground of misconduct of the grand jury and attorneys appearing before it. That affiant is advised and believes, and therefore avers, that said irregularities may have contributed to the hostility and prejudice against the defendants as aforesaid.

That affiant is advised and believes, and therefore, avers, that there is no adequate remedy available by appeal with respect to the denial of the aforesaid motion to set aside [fol. 126] and dismiss the indictment; and affiant believes, by reason of matters contained in the record herein that grounds for a Writ of Certiorari to the Supreme Court for review of the denial of said motion exist and affiant desires, on behalf of the defendant herein, to make application for such Writ of Certiorari, but that there is not sufficient time, as required by Court rules, for making and hearing such application prior to November 12, 1957.

Charles S. Burdell

Subscribed and sworn to before me this 4th day of November, 1957.

Edwin J. Friedman, Notary Public in and for the State of Washington, residing at Seattle.

[fol. 127] [File endorsement omitted]

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY
No. 30967

[Title omitted]

ORDER DENYING CONTINUANCE—November 8, 1957

Defendant having made a motion for a continuance on the ground that an atmosphere of hostility and prejudice exists against him throughout the jurisdiction of this Court; and

Argument having been heard on the aforesaid motion,

It Is Hereby Ordered, Adjudged and Decreed that said motion shall be and it is hereby denied.

Done in Open Court this 8th day of November, 1957.

Malcolm Douglas, Judge.

Presented by: W. Wesselhoeft of Attorneys for Defendant.

[fol. 128]

[File endorsement omitted]

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY**

No. 30967

[Title omitted]

MOTION FOR CONTINUANCE—Filed November 26, 1957

Comes Now the defendant, David D. Beck, also known as Dave Beck, and moves for a continuance of the above entitled case on the following grounds:

1. That there continues to exist, as heretofore alleged, an attitude and atmosphere of hostility, within the jurisdiction of this Court, so extreme, that it is and will be impossible for said defendant to obtain a fair and impartial trial on December 2, 1957; that said attitude and atmosphere of hostility was engendered in part by the conduct of the office of the Prosecuting Attorney at the time of and in connection with the Grand Jury proceedings which resulted in the Indictment herein, and also in connection with the trial of the defendant Dave Beck, Jr., which trial commenced on November 12, 1957 and continued until November 23, 1957;

2. That publicity attendant upon and resulting from, and partially contributed to by the office of the Prosecuting Attorney, in connection with the trial of the defendant's son, Dave Beck, Jr., has emphasized, continued and increased the hostility and prejudice against the defendant [fol. 129] within the jurisdiction of this Court;

3. That certain of the newspaper, television and radio reports relative to the trial of the aforesaid case against Dave Beck, Jr. were false and misleading, and contributed to and emphasized an attitude and atmosphere of prejudice and hostility toward the defendant herein;

4. That proceedings in connection with the trial of defendant Dave Beck, Jr. were prominently displayed upon television and broadcast upon radio; and that the jury which was selected in the trial of the defendant Dave Beck, Jr. was subjected, without its consent, to television and newsreel photography; that approximately 60, and possibly more, jurors of the present panel of this Court were selected as prospective jurors in the case against the aforesaid Dave Beck, Jr.; that said prospective jurors were present in the court room during the impanelment of the jury in the case against said Dave Beck, Jr.; that said jurors were present during the course of interrogations, at which time prejudicial statements were made against the defendant herein, and during which time interrogations revealed that said defendant had been the subject of adverse, and hostile charges and attacks by a United States Senate Committee and by other persons and Governmental agencies; that during the course of the interrogation of the jurors in the case of the defendant Dave Beck, Jr., many members of the present jury panel were present, and heard and observed the aforesaid proceedings, even though said members of the panel were not selected and [fol. 130] called for service or prospective service in the case of the aforesaid Dave Beck, Jr.; that certain members of the present jury panel attended the trial of the aforesaid case against Dave Beck, Jr.;

5. That the trial of the aforesaid case against Dave Beck, Jr. involved much testimony which will be and constitute a part of the case against this defendant; that said testimony was reported prominently in newspapers in the city of Seattle, and that said newspaper reports came to the attention and were read by prospective jurors; that much of said testimony was false and misleading; that much of said testimony was prejudicial to the defen-

dant herein and will prevent the defendant herein from obtaining a fair trial;

6. That the defendant herein is also a defendant in a case now pending in the United States District Court for the District of Columbia; that said defendant is named in said suit in his capacity as President of the International Brotherhood of Teamsters, an international labor union; that defendant is an indispensable party and also an indispensable witness in said case; that said case consists of an action in which certain members of the aforesaid International Brotherhood of Teamsters have attacked proceedings of the convention of said union in which one James Hoffa has been elected as President of said union; that said case has been set for trial in Washington, D. C. on December 2, 1957; that said trial date has been set by mandate of the United States Circuit Court of Appeals for the District of Columbia, and that said trial date cannot be changed or continued; that said case in-[fol. 131] volves 13 plaintiffs, purporting to act on and in behalf of all of the members of the said union, and involves many and numerous individual defendants and many and numerous witnesses; that the defendant is required and entitled to be present at said trial, and is expected by the plaintiffs to be present at said trial for examination in connection with the plaintiffs' case;

7. That by reason of the aforesaid case pending in the District of Columbia, defendant has been required to continue in his office as President of the aforesaid International Brotherhood of Teamsters; and that defendant has been required to spend considerable time in connection with said duties, which time he had expected to spend with his attorneys in preparation of his defense in the above entitled case;

8. That defendant also is now required to spend time with attorneys in Washington, D. C. in preparation for the trial of the aforesaid case in the United States District Court for the District of Columbia;

9. That at the time of filing of this motion, the defendant herein is in Washington, D. C. for such purposes;

that by reason of said case and other duties and obligations in connection with his said office and arising from numerous duties and obligations as a result of litigation throughout the country in which the defendant is a party or is affected, the defendant has not yet had sufficient time to consult with his attorneys and accountants in connection with the preparation of his defense herein;

[fol. 132] 10. That the attorneys for the defendant herein completed, on November 23, 1957, the defense of the trial against the defendant's son, Dave Beck, Jr., which case is related in law and upon the facts to the case herein; and said attorneys are not prepared, by virtue of the aforesaid duties, to defend the case against this defendant on December 2, 1957;

11. That the defendant is also named as a defendant in a complicated and involved case, involving alleged violation of Federal income tax laws, in the United States District Court for the Western District of Washington, Southern Division; that the attorneys for the defendant have been engaged in various motions and proceedings relating to and connected with that case;

12. That certain legal issues which will be involved in the case against the defendant were also involved in the aforesaid case against the defendant Dave Beck, Jr., and will be subject to appeal in said case;

13. That certain testimony which will be involved in or connected with the trial of the above entitled case was given in the case of the aforesaid Dave Beck, Jr.; that the transcript of said testimony is necessary to a fair trial of the defendant herein; that said transcript is in the process of being prepared, but has not yet been completed;

14. That certain of the testimony given by the defendant in the aforesaid case against Dave Beck, Jr. must have been disbelieved by the jury in said case, in view of the verdict therein; that said testimony was prominently displayed and reported in the newspapers throughout the [fol. 133] jurisdiction of this Court; that the verdict in said case against Dave Beck, Jr. was also prominently reported in the newspapers and upon television and radio, and it was made apparent by said reports throughout the

community that the verdict of the jury was and must have been based upon disbelief in the testimony of the defendant herein.

Charles S. Burdell, Attorney for Defendant.

[fol. 134]

[File endorsement omitted]

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY
No. 30967

[Title omitted]

ORDER DENYING DEFENDANT'S MOTION FOR CONTINUANCE
—November 29, 1957

This Matter having come on for hearing before the undersigned Judge of the above entitled Court on November 26, 1957 on defendant's motion for continuance; and the Court being fully advised in the premises, now, therefore,

It Is Hereby Ordered that defendant's motion for continuance be and the same is hereby denied in all respects and on all grounds.

An exception is hereby allowed to the defendant.

Done in Open Court this 29th day of November, 1957.

Malcolm Douglas, Judge.

Presented by: John J. Keough of Attorneys for Defendant.

[fol. 257]

[File endorsement omitted]

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
 FOR KING COUNTY
 Number 30967

STATE OF WASHINGTON, Plaintiff,

v.

DAVID D. BECK, also known as DAVE BECK, Defendant.

 VERDICT—Filed December 14, 1957

We, the jury in the above-entitled cause, do find the defendant Guilty of the crime of Grand Larceny as accused in the indictment herein.

Charles Hickling, Foreman.

[fol. 264]

[File endorsement omitted]

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
 FOR KING COUNTY
 No. 30967

THE STATE OF WASHINGTON, Plaintiff,

vs.

DAVID D. BECK, a/k/a DAVE BECK, Defendant.

 JUDGMENT AND SENTENCE—February 20, 1958

The Prosecuting Attorney with the Defendant David D. Beck, a/k/a Dave Beck, and counsel Charles S. Burdell and John J. Keough came into Court. The Defendant was duly

informed by the Court of the nature of the indictment made against him for the crime of

Grand Larceny

committed on or about the 3rd day of February, 1956, of his arraignment and plea of "Not guilty of the offense charged in the indictment", of his trial and the verdict of the jury on the 14th day of December, 1957, "guilty of the offense charged in the indictment".

The Defendant was then asked if he had any legal cause to show why judgment should not be pronounced against him, to which he replied he had none.

And no sufficient cause being shown or appearing to the Court, the Court renders its judgment: That whereas the said Defendant having been duly convicted after trial and verdict of a jury on December 14, 1957, in this Court of the crime of Grand Larceny it is therefore

Ordered, Adjudged and Decreed that the said Defendant is guilty of the crime of Grand Larceny and that he be punished by confinement at hard labor in the Penitentiary of the State of Washington for a maximum term of not more than Fifteen Years, and a minimum term to be [fol. 265] fixed by the Board of Prison, Terms and Paroles.

The Defendant is hereby remanded to the custody of the Sheriff of said County to be by him detained and delivered into the custody of the proper officers for transportation to said Penitentiary.

Done in open Court this 20th day of February, 1958.

George H. Revelle, Judge.

[fol. 269]

[File endorsement omitted]

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
KING COUNTY
No. 30967

[Title omitted]

REQUEST FOR MAILING NOTICE OF APPEAL AND CERTIFICATE
OF COMPLIANCE—Filed February 25, 1958

To Norman R. Riddell, Clerk:

Pursuant to Rules 33 and/or 46 of the Supreme Court
Rules on Appeal, I direct that you mail copies of the
Notice of Appeal that I have filed this day, to the following
parties of interest:

Charles O. Carroll Attorney for State
Address: 602 County-City Building

John J. Keough, Attorney for Deft.

I, Norman R. Riddell, County Clerk, do hereby certify
that I have this day, mailed the above mentioned copies
of the Notice of Appeal to the parties above directed.

Dated this 25th day of February 1958

Norman R. Riddell, County Clerk, By [Illegible],
Deputy.

[fol. 270] Clerk's Certificate to foregoing transcript
(omitted in printing).

[fol. 1]

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF KING

No. 30967

STATE OF WASHINGTON, Plaintiff,

VS.

DAVID D. BECK, a/k/a DAVE BECK, Defendant.

Statement of Facts

Be It Remembered, that on the 2nd day of December, 1957, at the hour of 9:30 o'clock A.M., the above-entitled and numbered cause came on for trial before the Honorable George H. Revelle, one of the Judges of the above-entitled court, sitting in Department No. 17 thereof, at the King County Court House in the City of Seattle, County of King and State of Washington;

APPEARANCES

Charles O. Carroll, Prosecuting Attorney, by Laurence Regal and Charles Z. Smith, Assistant Prosecuting Attorneys, appearing for and on behalf of the State;

Charles S. Burdell and John Keough, Attorneys, appearing for and on behalf of the Defendant;

Whereupon, the following proceedings were had and done, to-wit:

[fol. 2] (The following proceedings were had in chambers:)

The Court: Having been previously informed by you gentlemen that there were some motions to be made by the defendant prior to the impanelling of the jury, since the courtroom contains the jury it is more convenient to have motions heard here in chambers rather than excuse the jurors. I have asked you to come in at this time to

present the motions that they may be properly presented now.

CHALLENGE TO PANEL

Mr. Burdell: Yes. First I would like to present a challenge to the panel. This challenge is in writing and attached to it is an affidavit prepared by me.

The Court: I have read the challenge and the affidavit.

Mr. Burdell: Very well. Paragraph 1 of the challenge refers to the green booklet which has been submitted to some or all of the jurors and which contains information which I believe to be prejudicial and which, I guess I can just refer to the same points in the previous case which Your Honor heard, but I probably should say for the record that I am referring particularly to page 8, the paragraph which is headed "Selection of a Jury" which refers to the fact that there is no reflection upon a juror who is peremptorily challenged, but doesn't make any similar reference to a similar dismissal for cause, and then the next paragraph which relates to successive steps of trial.

I believe there is an indication there that a defendant is [fol. 3] required to put on evidence and then under the same paragraph which indicates in No. 6, this is on page 9, No. 6 at the top of page 9 says that the last step is deliberation by the jury and return of verdict.

That particular statement combined with the statement in the first question under the heading "Deliberation of Jury" on page 9 and the statement in the answer to the second question under the heading "Deliberation of Jury" is according to my contention, improper. That is, the method indicated for their deliberations is improper and prejudicial, and in the second answer under the same heading, "In a criminal action, all twelve members of the jury must agree upon the verdict," because it negates the possibility that jurors may not agree and in effect instructs them that they must agree.

Those are the particular portions of the booklet that I feel are prejudicial, and then in the challenge to the panel, Paragraph No. 2 relates to prejudice throughout the juris-

diction of the court. In support of that paragraph I have reference to not only the affidavit which I have filed in support of the document entitled "Challenge to the Panel" but also to the affidavits and exhibits which have been filed in support of various motions which have been made in the case, including particularly motions for continuance, referring particularly to newspaper articles which have appeared throughout this term of service of this jury including the newspaper articles which appeared in the [fol. 4] course of trial of the case of State of Washington vs. Dave Beck, Jr.

Paragraph 3 refers to the fact that members of the panel were present during the course of the interrogation of the prospective jurors in the case of State vs. Dave Beck, Jr., during the course of which there were interrogations relating to the defendant and which indicated that there had been throughout the community discussions of a hostile nature toward the defendant.

Paragraph 4, which I have already referred to, refers to newspaper reports, television and broadcast reports which were circulated in the course of the trial of State of Washington vs. Dave Beck, Jr. which included reports which were adverse to the defendant.

Paragraph 5 relates to the fact that certain members of the panel who were selected and who may be present at this time for voir dire examination as prospective jurors were also prospective jurors in the case of State of Washington vs. Dave Beck, Jr. and were challenged peremptorily by the defendant.

Paragraph 6 states that jurors who attended the interrogations in the State vs. Dave Beck, Jr. trial have been permitted to communicate freely among themselves in the course of their jury service during the past several weeks, during that trial, that is State vs. Dave Beck, Jr., and thereafter, and I believe all of those conditions are supported by the affidavit.

Now in addition to that challenge, may I go out and get my notebook for just a second?

[fol. 5] The Court: Yes, sir.

MOTION FOR CONTINUANCE

Mr. Burdell: I want to, in addition to the challenge to the panel, I renew the motion for continuance which I made on November 26, 1957, at which time I pointed out that an action was pending in the United States District Court for the District of Columbia which action was commenced by thirteen members of the International Brotherhood of Teamsters against the International Brotherhood of Teamsters and against the defendant herein who is the president of the International Brotherhood of Teamsters, and in that action it is sought to restrain the president-elect of the International Brotherhood of Teamsters, James Hoffa, from taking office. The preliminary restraining order has been granted in that case as a result of which the defendant, Dave Beck, continues in his position as president of the International Brotherhood of Teamsters and he is a necessary witness in the case in Washington, D. C. and is a party in the case in Washington, D. C. and as a matter of fact, or as a matter of opinion by me, entitled to be present in the course of this trial, that is in the course of the trial in Washington, D. C.

I might say that that trial also contains or includes a request on behalf of the plaintiff to appoint a trustee to conduct the affairs of the International Brotherhood of Teamsters and, of course, the defendant, being president of the union, should be and is required or has been requested by attorneys in Washington to be present at that case and I am advised that he is expected to be present not only by [fol. 6] his own attorney but by attorneys for the plaintiffs. He will be a material witness and his inability to be there will deny him and the International Brotherhood of Teamsters the right to submit material evidence, in addition to which the action in this case, it is believed by me and by attorneys in Washington, D. C., may affect the outcome of the action in Washington, D. C., particularly with respect to the appointment of the trustee.

It is the opinion of Edward Bennett Williams, who is principal counsel for the International Brotherhood of Teamsters in Washington, D. C., which opinion has been communicated to me, that in the event there is a conviction

in the present case, such conviction would affect the action in Washington, D. C., particularly insofar as the appointment of a trustee is concerned and that such a conviction might affect that action regardless of the defendant's right of appeal in the case, in the present case, and regardless of what merit might be included in the defendant's right of appeal.

As a result of these things, it is my contention that this case should be continued long enough to permit the defendant to attend the proceedings in Washington, D.C., which I might say has been set according to my information by mandate of the Circuit Court of Appeals and which action affects the entire membership of the International Brotherhood of Teamsters. I might say also that commencing today, the American Federation of Labor-C I O, are commencing proceedings in Atlantic City to determine whether or not [fol. 7] the International Brotherhood of Teamsters should be expelled from the AFL-CIO and that is something which affects the entire membership and for the benefit of the entire membership the defendant in this case should attend said proceedings. It is a matter which affects not the defendant personally necessarily but each and every member of this union, which contains over a million members.

Neither the case in Washington, D. C. nor the AFL-CIO convention were set on this date as a result of any knowledge or action or acquiescence on the part of the defendant or defendant's counsel. I might say that at least the case in Washington, D. C. was scheduled after the present case was set for trial on December 2 but an attempt was made by me and by Mr. Williams in Washington, D. C. to have that case set at a date which would not conflict with the present case so that the defendant could be present and represent the union and testify on behalf of the union on behalf of himself and also at the request of the plaintiffs, but by virtue of facts over which we had no control here and over which counsel in Washington, D. C. had no control, the case was not set at a time which would permit the defendant to be present on December 2, 1957.

We think that the defendant personally has a personal interest in the case in Washington, D. C. and we think that due process in the administration of law in Federal courts

permits and demands his presence in Washington, D. C. and while we understand, of course, that the case here is also a case which has been set, we feel that the involvement [fol. 8] of so many persons and so many important issues in the case in Washington, D. C. renders or creates a situation where the discretion of the Court should be exercised to permit the defendant to attend these proceedings in Washington, D. C.

ALTERNATIVE MOTION FOR CONTINUANCE

Now I have a third motion which is in the event my challenge and my motion for continuance are denied, that I be given a continuation of one day in order to apply to the United States District Court for an injunction restraining the proceedings in this court for such a period of time as will permit the defendant to attend the proceedings and testify at the proceedings in Washington, D. C.

I may say in that connection the motion which I made for continuance on November 26 was argued on November 26, I believe, and an order was entered on November 28th or November 29th and if it is suggested that I could have applied to the Federal United States District Court before today, my answer would be that the first it was practical to do so before today, which is the motion day, and in addition in view of the different courts' denial of the continuance, I expected that the case in Washington, D. C. would probably be continued because of the fact that both parties desired the presence of the defendant as a witness. However, I am advised by telephone this morning that since so many parties are involved in that case it has been impossible to arrange for a continuance.

Now can we go off the record for a moment?

The Court: Yes. Off the record.

[fol. 9] (Discussion off the record.)

Mr. Burdell: On behalf of the defendant, I will agree and stipulate that this matter is being heard in chambers not only for the convenience of the defendant but in order to lessen the possibility of prospective jurors overhearing or reading in newspapers about these particular proceedings.

Now I also want to renew the motion for continuance on the grounds which I asserted in the motion of November 26, namely that there still exists bias and prejudice against the defendant of such a nature which require a substantial and considerable continuance. I also believe that in view of the adverse publicity toward the defendant which I believe to have been circulated in newspapers, radio and television during the course of the trial of Dave Beck, Jr., I feel that this case should be continued at least until we have a new jury panel which would be January 6, 1958.

Now can I be sworn and then make a statement to the effect that the statements which I have made concerning the Washington case are—well, I would like to state on what information they are based under oath.

The Court: Any objection?

Mr. Regal: None at all.

CHARLES S. BURDELL, having been duly sworn by the Court, deposed and stated as follows:

Mr. Burdell: With reference to the statements which I have just made concerning the proceedings in Washington, D. C., I want to state that that information comes to me by [fol. 10] telephone from Edward Bennett Williams who is the attorney for the defendant and for the International Brotherhood of Teamsters in the proceedings which I referred to in Washington, D. C.

I have talked to Mr. Williams several times about the matter and I believe that the information which he has given me about the case there which I have related here is true. I personally consulted with Mr. Williams in an effort to arrange the trial of the case in Washington, D. C. at a date which would not conflict with the trial of the present case and I might add that I personally telephoned Washington this morning and talked with the office of the International Brotherhood of Teamsters in order to be sure that the trial in that case was going on this morning and I am advised that it has started there and that just by way of summarization all of the reports which I have made concerning the case in Washington, D. C. are true to the best of my knowledge and belief.

The Court: Does the prosecution have any questions to ask of Mr. Burdell?

Mr. Regal: There is only one question, Your Honor. Mr. Burdell stated, Your Honor, that Mr. Edward Bennett Williams was Mr. Beck's attorney. He did not mean he was Mr. Beck's attorney for this case. He is not connected in this cause in any way. Mr. Burdell is the attorney in this cause.

Mr. Burdell: That is correct. I am the attorney in this cause. I should say this, however. I am the attorney in this cause, and Mr. Williams is not connected with this case [fol. 11] although I should say that I too was expected in Washington, D. C. in connection with the trial of the case there, not as a participant but as a consultant and possibly as a witness.

Mr. Regal: Judge, are we going to keep the jury together at this time? We would like to have that done and I think Mr. Burdell would too.

Mr. Burdell: Yes, I would.

Mr. Regal: And also have an alternate juror.

The Court: I might say I would do so whether you gentlemen wanted to or not.

Will one of you gentlemen call the Clerk in?

(The Clerk was called into chambers.)

The Court: Can you tell me from the records officially available to you in this cause and in the cause of State vs. Dave Beck, Jr., No. 30966, whether or not any members of the jury panel sent here by the Presiding Judge this morning, and I am informed there were thirty, include any persons which were sent here on the jury panel in the case of State vs. Dave Beck, Jr., in the forty sent that day? Are you able to do that?

The Clerk: No, I am sorry. I don't keep the record. The first time when the box is filled, I don't take the names. There are some jurors out there that I have seen before.

The Court: You don't know whether it is in this case, however?

The Clerk: I know that some of them are jurors that were in the case we just had.

The Court: Do you have any records available to you [fol. 12] presently in the courtroom in the nature of determining as to whether or not the thirty people now here in the courtroom were present on the opening day of the jury impanelling in the Dave Beck, Jr. case?

The Clerk: I haven't a thing I could tell by.

Mr. Burdell: May I make a motion in that connection? I would like to move that all jurors who were included among the forty who were sent down as prospective jurors in the case of State vs. Dave Beck, Jr. be excused as prospective jurors in this case, and in that connection I would have no objection to the Court's making that determination in the manner usually followed by the Court, that is by having them raise their hands.

Then I also move that all jurors who—that is if my first motion is denied—that all jurors who were excused either for cause or peremptorily by either side be excused as prospective jurors in the present case, and again in that respect I would have no objection to the Court making that determination in the usual manner followed by the Court.

The Court: That is all. Thank you.

(The Clerk was excused.)

The Court: I would like to ask the prosecution to speak on whether or not they have anything to say with reference to the motion for continuance of one day in order to file with the District Court an injunction?

Mr. Regal: Well, Your Honor, I don't know of any legal authority and Counsel hasn't stated any which would justify such an act. I assume that he feels that there is something [fol. 13] he can go up to the Federal Court under. Counsel I am sure would admit that he has many members or a number of members in his firm who could file the necessary papers. He could prepare the papers this evening. We certainly won't have a jury impanelled by 4:00 o'clock and he could prepare the documents and have them filed by one of his members of his firm tomorrow and I wouldn't object to a two or three hour recess so he could argue the matter and we certainly would be willing to go up and argue the matter. I assume we would argue on some basis as stated

here. I don't know what the basis would be but I assume it would be one or more of the matters he has just referred to in his motions before this Court and of course we resist it.

It is a great inconvenience to excuse the jury panel. I don't know whether he intends to do it today, but if the Court were to recess until tomorrow and have this panel come back tomorrow morning, whether Counsel is proposing to do it today or recess all day tomorrow, but I would not object to a two or three hour recess to argue the matter. I am sure that could be arranged. However, I don't see any basis for it.

The Court: Any response to Mr. Regal?

Mr. Burdell: No, I have no response except to say that I believe that an orderly procedure would be to dispose of that first rather than approach the Federal Court under a situation where some of the jurors had already been selected and particularly in view of the fact that insofar as I understand our procedure, the jurors or the prospective [fol. 14] jurors who have been selected and have been impanelled will be free to read the newspapers at this particular period of time. I believe the matter should be disposed of for that reason primarily.

Mr. Regal: Your Honor, could I address a question to Mr. Burdell?

The Court: Yes.

Mr. Regal: I would want to point out that today is motion day in Federal Court. Whether or not he could have any one of the judges hear this matter tomorrow, I don't know, but it is a matter about which I have some doubt. I do believe he could have one of the courts hear it this afternoon.

The Court: Is there anything further from either side on these matters?

Mr. Regal: Your Honor, it just seems to me that a motion could very easily have been filed to be heard today by the Federal Court sometime last week. I think this is a little bit late and as I said before, I know of no legal basis for it.

**DENIAL OF CHALLENGE TO PANEL AND MOTIONS
FOR CONTINUANCE**

The Court: With respect to the challenge to the panel made by the defendant, the Court has read the file insofar as it pertains to the panel. He is familiar with the book referred to by the defendant's attorney. The challenge to the panel is not well taken and is denied.

In that connection, however, the motion made by the defendant that all jurors included among the forty in the State vs. Dave Beck, Jr. case may be excused when so [fol. 15] discovered by the Court in open court by questioning and will be excused at that time for this cause, leaving a panel without any jurors being called therefrom who have been involved in any way in the previous action against another defendant by the same name.

I do see some possible difficulty developing in case the panel present in the courtroom is exhausted and I assume that there are two ways that that matter might be handled. One would be to have that question asked by the Presiding Judge before sending additional members of the panel to this department, or ask the same question in this department. The Court prefers the latter procedure because all matters concerning this case should now occur in this department for the record. Do you gentlemen concur?

Mr. Burdell: I concur.

Mr. Regal: The State concurs.

The Court: The motion for continuance made on the grounds previously made and filed by the Presiding Judge and the additional grounds presented here this morning by Mr. Burdell with respect to another action in Washington, D. C., will be denied. However, the Court will, upon application of the defendant and examination of the proper processes and argument, if necessary, permit the defendant to be available for such out-of-court proceedings which may be proper procedures of court which both Federal and State permit, which would involve the least amount of clash between the two jurisdictions involved.

With reference to the motion for continuance of one day [fol. 16] in order to apply to the District Court, the Court feels at this time that the opportunity to take such emergency action was presented last Friday, November 29. Such

action was only impractical as stated by the defendant in a sense that there are adjournment times and the availability of courts, but under the circumstances such as this where emergencies exist, the conducting of court is on a 24-hour basis. There is no showing it was impossible. I feel that that will have to be the conclusion.

However, I will, if proceedings are filed in due course, I feel that the defendant can file them and that if it requires some time of this present counsel to be present for the purpose of argument in another jurisdiction within the geographical limits of the United States and Washington, I would grant such reasonable time for argument, two or three hours, or whatever period of time is necessary, this being because I think it is part of due process for attorneys to be able to pursue all reasonable opportunities to defend their clients.

That disposes of the motions, gentlemen. Now I would like to ask you some questions.

COLLOQUY BETWEEN COURT AND COUNSEL

The first question is, I have examined the file and it is somewhat difficult to be sure, and rightly so, and I want to ask you if I am right before I make any public statement that the witnesses endorsed on the indictment by the State are presently before me on the indictment and I find in the file several witnesses listed. E. E. Hepper, P. G. Harrington, [fol. 17] ton, J. J. David, Roger Jones, William F. Devin. My question is, are there additional witnesses to be so designated?

Mr. Regal: Your Honor started at the back. Mr. Devin is an additional witness. Mr. Hepper will be an additional witness. Mr. Harrington will not be. He may be scratched out and Mr. David or Mr. Jones, whichever one is available, will be a witness. On this list of witnesses for the State, there are some that we will not call. We will not call Mr. so far as we know.

The Court: That is all right.

Mr. Regal: There are some we will not call, three or four or five.

Mr. Burdell: May I say something about that?

The Court: Please.

Mr. Burdell: The only one of those witnesses mentioned by Mr. Regal that I have any objection to as far as endorsement is concerned is Mr. William F. Devin. I object to endorsement or testimony by this witness if he is going to testify concerning proceedings in the Grand Jury because in accordance with our statutes and rulings which have been made in response to my application for Grand Jury proceedings, they all have been to the effect that Grand Jury proceedings are secret and if Mr. Devin is going to testify with regard to Grand Jury proceedings I object now and will object at the time of his testimony unless—well, I won't say unless. I will object to it and I want to advise the Court at this time that if he is permitted to testify [fol. 18] concerning Grand Jury proceedings, I will of course at that time make further application for delivery to me of all the Grand Jury proceedings, certainly all those submitted by Mr. Devin.

The Court: The Court has noted your remarks and at the proper time, of course, you will be permitted to make motions or objections which you may have. At the present time we will consider only whether Mr. Devin should be endorsed as a witness.

Mr. Regal: I do not think we have asked for an endorsement. At this time we will ask to endorse Mr. William F. Devin as a witness. Counsel has already objected to that.

Mr. Burdell: We can just incorporate my earlier statement.

The Court: It will be so considered. I would assume from the files he had been so endorsed.

Another question which may save considerable time in a sense, unless you have already met in your minds and have a plan, I question first whether any exhibits used in the previous case are going to be used in this one?

Mr. Regal: Yes, there will be. I have talked to the Clerk regarding them and they will make them available. They have the problem and they will work it out, unless an order is necessary.

The Court: What I am wondering is, that being the fact, if there is any matter of mechanics that can be worked out previous to the use of those documents with the Clerk, such procedures as would save us time in open court.

[fol. 19] Mr. Regal: I talked to Art Stewart and they seem to have the matter under control. I told them what I wanted. I want the Western Conference books, four books. I think they were Exhibits 20, 21, 22 and 23, and then I wanted the envelope that was Exhibit 33, and the other envelope, Exhibit 34, and I think the piece of paper, Exhibit 35. It is the piece of paper with the writing on it.

The Court: What mechanical way will you handle that? Normally the Clerk would resist the removal of any exhibit.

Mr. Regal: Yes. What they probably will do is make a notation in the records in the other case that the books have been withdrawn and taken to this cause because it would be a monumental task to photostat those books. What they will do with the others, they will photostat and insert the photostats, and Mr. Smith who is here assisting us will take care of the mechanics outside of court, and if we have to have an order to do so, but Art Stewart didn't indicate we would have to have an order, just merely a request from the Clerk at this trial.

The Court: Then mechanically all the books have tags that could be removed.

Mr. Regal: I suggest that they be covered.

Mr. Burdell: Some of them have stamps, too.

The Court: That is the second question. The tag can be removed, but what do you think we should do with respect to that?

[fol. 20] Mr. Keough: If these numbers are just covered, these things will go to the jury room and the jury could uncover the thing too.

Mr. Regal: Of course, the exhibit itself can't be tampered with. I think it should be covered or left just the way it is.

Mr. Burdell: How are we going to make the originals a part of the records in each case, and I think the originals all have to be a part of the record in each case.

The Court: That part we can handle.

Mr. Regal: That has been done before I am sure.

Mr. Burdell: Is this something, Your Honor, that Mr. Regal and I can give some further consideration to?

The Court: That is why I brought it up. I thought it might be important to one or the other of you. What I would appreciate—actually it is immaterial to the Court,

except I would like to avoid any extended discussion and due surprise at the time it comes up.

Mr. Burdell: I can say that the fact that Counsel wants to introduce those particular exhibits which he has referred to, whether he has referred to them by correct number or not, but I do recognize what he is talking about and the fact that he wants to use them comes as no surprise.

Mr. Regal: There may be others too.

Mr. Burdell: Well, I have seen them all and I don't think there will be any problem about surprise.

The Court: I would appreciate if you gentlemen would [fol. 21] work out the mechanics, both of you.

Mr. Regal: I will work the mechanics out with the Clerk and notify Mr. Burdell. The only problem as I see it is the stamp or the identification in the other case on the exhibit.

The Court: Yes.

Mr. Regal: That didn't occur to me at the time the others were introduced. Otherwise I would have had a tag put on them.

The Court: I am not necessarily saying it is a problem.

Mr. Regal: It is something to consider in argument. Are you going to argue about that, Mr. Burdell?

The Court: I suggest you fix it up the way you propose and check with Mr. Burdell and if you don't agree, then we will have what you don't agree on to decide.

Mr. Regal: Some of these exhibits will not necessarily come in. It will depend a good deal on what witnesses the defense calls.

The Court: I understand that. This is merely anticipating. We don't want to keep the jury all tied up while we are discussing such chamber matters.

I perhaps don't need to say this, gentlemen, but I would like to say that I intend to conduct the proceedings of impaneling the jury with great care. I would adopt the same procedure we used in the previous case you tried in this department insofar as it pertains to the asking of general questions by the Court and general questions by each side, specific inquiries by counsel.

[fol. 22] Mr. Burdell: I have no objection to that.

The Court: Are there any other matters, gentlemen?

Mr. Burdell: I have one request in connection with the impaneling of jurors. I am assuming that prior to the completion of the impanelment the prospective jurors will be permitted to recess and leave the courtroom and confer among themselves and will not be isolated as they will be after the jurors are finally impaneled, and I would like to request that the Court advise the jurors, that is, all of the prospective jurors, that they are not to discuss the case among themselves, not to read newspaper articles, not to listen to television reports or radio reports, not to discuss the matter with anyone during the period of their impanelment, not to receive any information connected with the case from any source or discuss the case with anyone during the course of the impaneling.

Mr. Regal: Your Honor, I intend on my voir dire to go into just the personal aspects of a person's background because I expect Mr. Burdell to go into the other aspects as he did before. That will save the time of the Court and all of us. I would like the privilege, however, if he gets an answer that looks like it needs expanding and he is happy with it and I am not, to develop a few more questions.

The Court: It is always available to both sides.

Mr. Regal: Yes. I wanted to be sure I wasn't foreclosing myself by being too brief.

[fol. 23] The Court: I think on your recent request, Mr. Burdell, it is actually an impossibility until the Court has absolute control over the panel to confine them and to give the jurors an instruction that I would give them, of course, once selected. I think the defendant and the State must rely on the inquiries of the Court and themselves to eliminate from the jury any possible reading or expression from such forms as you mention, reading newspaper articles and television. We have to consider that at the time of the selection of the jury, when it is over, it is perfectly proper to go back and inquire of the jurors seated or presently seated, and otherwise I am afraid the assumption that they did not inadvertently violate such an instruction would be wrong to take and might lead to error.

Mr. Burdell: Of course, my problem and my concern is that perhaps some of them whom we have passed or interrogated may wind up in some discussion after we have

interrogated them and after we have passed them which could easily happen overnight. As a matter of fact, I would be surprised if some of them didn't mention to someone that they were prospective jurors. I don't think it is practical to go back and ask each one of them. Perhaps if the Court tomorrow morning or during recess would ask them in a general way, ask the entire group if they had had any discussions overnight or anything of that sort.

The Court: I will do that and I will permit you to ask the same kind of general question.

Mr. Regal: Just to make sure I heard what you said [fol. 24] before, that is what you said?

The Court: That is what I meant.

Mr. Regal: I want to be sure I am tuned in today.

The Court: Anything else, gentlemen?

Mr. Burdell: Not by me.

Mr. Regal: Could we have a recess now?

The Court: Yes, we will have a recess until 11:15.

[fol. 25] The Court: Are the parties ready in the case of State of Washington vs. David D. Beck?

Mr. Regal: The state is ready, your Honor.

Mr. Burdell: Defendant is ready, Your Honor.

COURT'S INTERROGATION OF PROSPECTIVE JURORS

The Court: May I ask that all of the jurors on the panel in the courtroom please stand? I will ask the gentleman at the end—is there room for you in the second row? I will ask that gentleman who is not a juror to please remove himself. I see a juror in the third and fourth rows. Would you move up to the third row, please. Is there room for you to sit there, sir? Thank you, ladies and gentlemen. Please be seated.

I would like to ask the members of the jury panel if any juror who is on this panel who was present in this courtroom on the trial held in this courtroom of the case entitled State v. Dave Beck, Jr. If so, please stand.

A Voice: I was present up to the time the jury was selected.

The Court: At any time, I mean. May I have your name, sir, on the end?

A Voice: Kreager. I was one of the four that wasn't called.

The Court: Just your name, please. The second gentleman?

A Voice: Morrison.

The Court: The gentleman in the third row?

A Voice: Brown.

The Court: And the lady in the rear row?

A Voice: Marshall.

[fol. 26] **The Court:** Mrs. Marshall, you may be seated. You are not now a juror. The gentleman in the—

A Voice: Levy is my name.

The Court: Please be seated. Perhaps I should have your first name, Mr. Brown.

Mr. Brown: Warren.

The Court: Thank you.

Alvin L. Kreager, is that right?

Mr. Kreager: That's right, sir.

The Court: All right, Mr. Kreager, Mr. Levy, Mr. Morrison and Mr. Brown will please now report back to the department of the Presiding Judge. Madam Clerk, you will please call the jury.

(The following jurors were called by the Clerk:

William A. Woodrow, 7133 28th Avenue Southwest.

Marvin Cook, 6851 52nd Northeast.

Frederick F. J. Ryan, 4131 West Southern.

Raymond J. Kraatz, 4134 West Monroe Street.

Helen R. Brown, 204 West 130th.

Mary A. Cochrane, 9825 Northeast 19th Street, Bellevue.

Fred T. Wood, 2360 East 125th.

Sam Bosna, 4414 East 77th Street.

Carl E. Lutes, 1815 South 133rd.

R. H. Westenberg, 316 West Comstock Street.

Dixon Vallance, 3233 56th Southwest.

Paul F. Lange, 14833 Juanita Woodinville Way Northeast, Kirkland.)

The Court: Will all of the jurors in the room please rise, raise your right hands to be sworn.

[fol. 27] **The Clerk:** You and each of you do solemnly swear that you will true answer make to such questions as may be asked you by or under the direction of the Court

touching upon your qualifications to serve as jurors in this cause, so help you God?

The Panel: I do.

The Court: Please be seated. The remarks that the Court presently makes and the questions I may ask or may be posed are addressed to the jurors in the box as well as the jurors in the first three rows of the courtroom. This case is entitled State of Washington vs. David D. Beck, also known as Dave Beck, defendant. It begins with an indictment reading as follows:

"David D. Beck, also known as Dave Beck, is accused by the Grand Jury of the County of King, State of Washington, by this indictment, of the crime of Grand Larceny, committed as follows:

"He, the said David D. Beck, also known as Dave Beck, in the County of King, State of Washington, on or about the 3rd day of February, 1956, then and there having in his possession, custody or control as agent, bailee, employee, servant, officer or trustee, certain personal property, to-wit: the sum of \$1900.00 lawful money of the United States, the property of the Western Conference of Teamsters, an unincorporated association organized as a labor union, the said \$1900.00 being derived from the sale to one Martin B. Duffy on or about the thirtieth day of January, 1956, of one 1952 Cadillac automobile, motor number 520004746, the property of said Western Conference of Teamsters, the said David D. Beck, also known as Dave Beck, in the County of King, State of Washington, on or about the third day of February, 1956, then and there did wilfully, unlawfully and feloniously secrete, withhold or appropriate the said \$1900.00 to his own use with intent to deprive and defraud the owner thereof;

"Contrary to the statute in such case made and provided, and against the peace and dignity of the State of Washington."

The State of Washington is here represented by the Prosecuting Attorney, Mr. Charles Carroll. Will you stand, Mr. Carroll!—The Deputy Prosecuting Attorney

Mr. Laurence D. Regal, and Deputy Prosecuting Attorney Mr. Charles Smith.

The defendant, Mr. David D. Beck; Mr. Beck, will you please stand? Thank you. He is represented by Mr. Charles Burdell. Mr. Burdell? And assisted by Mr. John Keough. Thank you.

The witnesses endorsed for the State are M. J. Devine, Frank E. Dutton, N. B. Lake, Martin B. Duffy, Donald D. McDonald, Ken Eline, David L. Forrest, Alfred Roger Hill, Charles B. Leaf, Carl E. Huston, Ludwig Loeb, Samuel B. Bassett, Frank W. Brewster, Marcella M. Guiry, William H. Martin, Russell Schley, Louise Sartor, E. E. Hepper, J. J. David, Roger Jones and William F. Devin.

Ladies and gentlemen of the jury, I would like to have you answer at this moment this question: How many of you are new on the jury panel this morning? I see no hands. That question was addressed to the jurors in the [fol. 29] courtroom as well as in the box, and I see it was so understood. How many of you have tried a civil case all the way through to conclusion? Will you please hold your hands a moment? That is one, two, four, five, six, seven, eight, nine, ten, and twelve. Thank you.

Now these questions I will address to the members in the box. I wish, however, the jurors in the courtroom to pay close attention to my remarks and all the remarks made in the courtroom even though you are not in the box. How many jurors have during their term tried a criminal case clear to conclusion? No. 1, 3, and 11. Thank you. If I am going too fast, gentlemen, please stop me so that you may record these.

How many have tried or been a juror of a criminal case which did not go to conclusion?

A Voice: We barely got started and the case was continued.

The Court: No. 4, thank you. At the present moment, as you know, having served on cases before, we are involved in the process of the selection of jurors to try this cause. In that process the Court asks you questions of a general nature in such a fashion that you may raise your hand in answer and then permit each counsel to ask in

behalf of their client questions of a general nature and then subsequent to that permit counsel to ask questions specifically of each of you. The purpose of this proceeding is to be sure that the jury selected to try the cause is [fol. 30] qualified to sit in this particular case. I would also like to point out to you before posing the question, for the sake of emphasis, that the trial of a criminal case such as this and any criminal case is different from that of a civil case in two very important respects. In a civil case, a plaintiff must prove his case by a preponderance of the evidence which merely means a greater weight of the evidence, while in a criminal case the State must prove its case beyond a reasonable doubt, which is a far greater degree of proof. The second main difference between civil and criminal cases is that in a civil case ten may agree upon a verdict whereas in a criminal case all twelve must agree. It is presumed in a criminal and civil case, both, that when a jury has been selected and accepted by each side the jurors will keep their minds open until the case is finally submitted to them and accept the instructions of the Court as the law and base their decision upon the law and the facts uninfluenced by any other consideration.

Now the purpose of the questions and the examinations of the panel is to determine whether or not the jurors have that frame of mind. Now I would like to ask the members of the jury who are presently sitting in the box some questions but I ask that all others in the courtroom please pay attention to the questions as posed. The first question is, have any of you heard of this particular case before? If so, please raise your hand. No. 1, 4, 5, 6, 7, 8, 9, 10, 11, 12.

Are any of you jurors in the box members directly or [fol. 31] indirectly of a union organization called the Western Conference of Teamsters? If so, please raise your hand. No. 5. You have a questioning look on your face. Do you have a question?

Juror No. 5: My husband. That of course doesn't involve me.

The Court: The question was "you". So you would not raise your hand. Now, have any of you any close relative, friend, or associate in any capacity who is directly or indirectly connected with the Western Conference of Team-

sters? Please raise your hands. No. 5. Raise it up a little higher. The gentlemen here must record these answers. That is No. 5. Are there any members of the jury panel who are members of the Teamsters Union or union affiliated with that union? Please raise your hands. That is you, yourself. now. Are there any members of the jury panel in the box who are related to, associated with, in any fashion whatsoever, that they now presently know of, any Teamsters Union; if so, please raise your hand? No. 5. Thank you.

Do any of the jurors in the jury box know the defendant, Mr. David Beck, personally? Please raise your hand.

Now is there anyone on the jury in the jury box who has any information regarding the offense here charged? I see no hands.

Now, ladies and gentlemen, is there anyone on the jury who has talked with anyone who claimed to have any firsthand information regarding the offense here charged? [fol. 32] Please raise your hand. I see no hands.

Has anyone ever expressed to any of you an opinion as to the guilt or innocence of the defendant? Please raise your hand. No. 6—

Juror No. 1: Your Honor, you say anyone, is that—

The Court: Anyone.

Juror No. 1: Any person?

The Court: Anyone.

Juror No. 9: Newspapers?

The Court: I think I had better repeat the question. Will you please put your hands down. This is the question again:

Is there anyone on the jury who has talked with anyone who claimed to have had any firsthand information regarding the offense here charged? I will repeat it again. Is there anyone on the jury who has talked with anyone who claimed to have had any firsthand information regarding the offense here charged? Please raise your hand. Now, has anyone ever expressed to any of you an opinion, I mean by expression, oral expression, has anyone ever expressed to any of you an opinion as to the guilt or innocence of the defendant? All right, No. 1, No. 3, No. 5, No. 6, No. 9, No. 10, No. 12.

I noticed that in response to my first question as to whether any of you had ever heard of this case before that all of you indicated you had except No. 3. Now perhaps some of you may have read about this matter in the newspapers or heard about this matter by radio or seen and heard of [fol. 33] matters connected with this case directly or indirectly on the television. I am going to question you on that subject, but before I do, I wish to explain that the mere fact that you may have read in the newspapers an account of the alleged crime or heard an account of the alleged crime on the radio or on TV, heard and saw something connected with the alleged crime, or the mere fact that you may have read in the newspapers or heard on the radio or seen and heard on TV something concerning the defendant, does not necessarily in and of itself disqualify you as sitting as a juror. If the Constitution and law were to say that, then that would mean that the jury would be illiterate, couldn't read, couldn't hear and couldn't see. Of course, as stated, it shows you how ridiculous such a rule would be. People who read, see and hear are not just for that fact excluded from serving on the jury. So the test is not whether you have read about it, heard about it, or seen or heard something about it through some media of communication, the test is whether if you were drawn on the jury you would be able to enter upon the trial with an open mind and disregard what you have read, decide the issues in this particular case entirely and purely upon the evidence received at the trial and the law as given to you by the instructions of the Court. And I know you know, having served on other juries, that the instructions of the Court are the law regardless of what your personal opinion of the law may be or should be.

To put the same thing in another way, and I am not now [fol. 34] asking you a question to answer yet but I want you to keep this factor in mind, the problem of this question of reading, hearing, and seeing as a member of the public might be put this way. Do you now have an opinion or an impression as to the guilt or innocence of the accused which would require evidence to remove from your mind? If you do have, it is not fair for you to sit upon this

jury and it would be a violation of the spirit and letter of the Constitution and laws of this State and of the United States. Neither side in this case should have the burden of having to remove from your minds preconceived opinions or a biased opinion already formed. Now intelligent persons know that impressions they have received from what they have read in the newspapers or heard on the radio or seen, read and heard on the TV, are not always true. No intelligent person would rest a decision upon such an impression without a more formal and more convincing type of proof. Now with those factors in mind as reference to this subject, I wish to ask you this question. I wish you to search your hearts and minds for the answer.

Now if any of you from what you have read do feel that you have in your mind an opinion as to the guilt or innocence of the defendant or such an opinion as would require evidence to remove by either side, please hold up your hands.

The Court: No. 1. I thank you, sir, you may be excused. The Clerk will please call another juror.

The Clerk: Alfred Newton, 5907 37th Southwest.

[fol. 35] The Court: Mr. Newton, were you in the courtroom and sworn with the rest of the jurors?

Mr. Newton: Yes.

The Court: Did you see and hear the Court's general explanation of the case and introduction of the parties and their counsel?

Mr. Newton: Yes.

The Court: Did you hear and understand the questions that I posed to the jurors in the box?

Mr. Newton: Yes.

The Court: Would you have answered any of those questions by raising your hand?

Mr. Newton: Some of them, yes.

The Court: Can you tell me which ones they would have been?

Mr. Newton: I have heard of the case.

The Court: Heard of the case before. That was the first question.

Mr. Newton: And people have talked about the case to me.

The Court: Has any person talked to you about the case or given you information about this particular case from any firsthand information that person had?

Mr. Newton: No.

The Court: All right. Any of the other questions that I asked?

Mr. Newton: No.

The Court: I will ask you again, ladies and gentlemen, to give—and remind Mr. Newton of this last question—particularly it is addressed to Mr. Newton because [fol. 36] he wasn't in the box when it was asked. Do you have from what you have read or heard or seen in newspapers, on radio, TV, magazines, books, any question in your mind, any opinion as to the guilt or innocence of the defendant, that is, an opinion which would require evidence to remove from your mind?

Mr. Newton: No.

The Court: All right, sir.

Now it will be the decision of the Court under the law that the jury in this case when finally selected will be cared for by the court and not allowed to separate. That involves from the time of selection what I think will be bound to be comfortable arrangements for your living and eating during the process of the trial. At best, of course, any such arrangements do involve personal discomfort of a minor nature. No one is able to say accurately to you now or perhaps at any time until the conclusion as to exactly how long this case may take. It will be within reasonable limits. During the time that you, if selected as jurors in this case, are hearing the case until it is finally decided, the Court will not permit you to receive any newspapers or magazines or books or hear the radio or see the TV. You, of course, will have communication with your family both ways through the bailiffs who are the officers of the court charged with the care of the jury, and of course when selected many people will help you obtain your personal articles to be comfortable during the time. I do not feel that you will feel at the end of the case any discomfort [fol. 37] except the natural discomfort that might occur

as a result from being confined. I make this explanation, not because it is necessary to explain your duty nor my duty to each other when called to jury service,—that is one of the normal and natural things that may occur in any case, but I do it so that to give you the opportunity to answer this question: Is there anyone on the panel presently who will suffer any great inconvenience or ill health or personal loss different than the rest of the members of the jury by such confinement? If so, please raise your hands.

No. 1, 4, 6, and 10. No. 1, what is your—

Juror No. 1: Health.

The Court: Beg pardon, sir?

Juror No. 1: For health reasons.

The Court: Health reasons? Without embarrassment can you explain to the Court a little more what you mean by health reasons?

Juror No. 1: I have to be on a diet.

The Court: I see. A diet prescribed by a physician?

Juror No. 1: Yes.

The Court: And how long have you been on the diet?

Juror No. 1: Oh, for years.

The Court: Now, No. 4, yes, sir?

Juror No. 4: I am self-employed in a partnership. I use many of my evenings and week-ends to help my partner in carrying out the business. It would throw an undue burden on him. It is difficult—

[fol. 38] The Court: And the next who raised their hand, yes, ma'am, No. 6?

Juror No. 6: It is just my family. If I knew some arrangements could be made for them. Right at the moment I don't have any, and I have five children.

The Court: Five children? You feel, however, that it is possible to make arrangements?

Juror No. 6: I think that maybe something could be done but I would want to see that they were taken care of before I would maybe be here for a week.

The Court: Have you ever made previous arrangements for being away from the children for vacations for any length of time?

Juror No. 6: I have been away from them, yes.

Juror No. 9: Mine is strictly business. If I were away from the office for ten days to two weeks it would be a little inconvenient.

The Court: What is your business, sir?

Juror No. 9: General freight agent, Greenbay and Western Railroad.

The Court: The next gentleman who raised his hand in answer to that question?

Juror No. 8: I have to be at my job next week, Judge, and I would like to finish that job.

The Court: What kind of work do you do?

Juror No. 8: Bricklayer, and—

The Court: By whom are you employed?

Juror No. 8: My work is on University Way.

The Court: How long have you been on jury service?

[fol. 39] **Juror No. 8:** I got four more days to go.

The Court: The Court will excuse Mr. Newton, will you step down. Mr. Newton, at 1:30 you will report back to the Department of the Presiding Judge, Room 915, this building.

I see that it is a moment before noon adjournment time. Ladies and gentlemen of the jury, in the box and in the courtroom, in order to contribute to the orderly procedure and the selection of the jury panel in accordance with law, I would like to instruct you that from now until you are excused from this case all of you, even though I will permit you now to go your separate ways until 1:30, I wish to advise you not to discuss this matter directly or indirectly with any person whatsoever, even and including personal arrangements. All those matters, when necessary with regard to personal arrangements, will be taken care of by the bailiff to your satisfaction, I am sure. It is very important in order to keep an open mind that you do not discuss this matter among yourselves or with any other person until you are concluded with your service in this department and in this case. You may now be excused to return in time for court session at 1:30 this afternoon.

Court will be at recess until 1:30.

(Whereupon, at 12:00 noon, a recess was had until 1:30 o'clock P.M.)

[fol. 40]

Afternoon Session

December 2, 1957

1:30 o'clock P.M.

(All parties present.)

(In Chambers.)

Mr. Burdell: I would like the record to note an objection and exception to certain of the Court's statements on instructions in connection with impanelment of the jury and I have reference to a statement by the Court that in a criminal case all twelve must agree, which in my opinion is prejudicial for the reason that—for the same reason that I pointed out with respect to the booklet this morning, and that is that it is in effect an instruction to the jury they must return a verdict in the case and it is possible that there can be or could be a disagreement of the jury. I would like to note an objection and exception to the Court's statement to the jury that the question is—the Court's question as to whether or not they have an opinion regarding the guilt or innocence of the defendant. The Court's instruction that that is the question which they must determine, because I believe that a prejudice against the defendant whether or not it results specifically in guilt or innocence in this case but a general prejudice arising from other matters and other charges against the defendant or arising from the defendant's past actions and career might create such a prejudice that while the jurors have no opinion as to the guilt or innocence in this particular case, they might nevertheless be unable to return an impartial verdict. The third thing is that I would like to note an exception and objection to the Court's instruction or statement to the effect that no intelligent person would permit newspaper reports, television reports, radio reports, things of that sort, to influence them or to influence their minds in any way because I believe that that statement may have a tendency on the part of the jurors to restrain themselves or make it difficult for them to answer further questions in the course of their

impanelment respecting whether or not the newspaper reports and television reports and radio reports have created some prejudice or created some opinions in their minds. That is all.

Wait a minute, maybe I have something else. No, that is all.

Mr. Regal: I have only one request to make. I think possibly if the Court were to instruct the jury that the instructions that you gave on all twelve must return a verdict, whether it be acquittal or conviction does not necessarily mean that they are instructed they must all agree, something of that nature I am sure—you can word it much better but I feel if there is any possibility of that feeling that it could easily be erased by further conduct of the Court during your interrogation of the jurors now.

The Court: The question about all twelve being compelled to agree, in case there has been any improper connotation, it would be cured by instructions. I have in mind to give at the conclusion of the submission of the case con-[fol. 42] cerning deliberation and agreement which instructions may be the standard type of instructions given on this subject, which of course I will hear exceptions to and perhaps change it if warranted. The question of elimination of existence of possible prejudice will take care of itself in further voir dire examination of the jurors.

Concerning the newspapers, I think a person knows that everything in a newspaper is not true.

And from the way it has been expressed would disclose that and probably if it does not we can determine that factor in the total context of the questioning of the jury. Exceptions are noted.

Mr. Burdell: That is all I have for the record. I have one or two things off the record.

(Discussion off the record, in the absence of the Court Reporter.)

(The following occurred in open court:)

The Court: The Clerk will please call another juror for No. 1.

The Clerk: Tom R. Cox, 8025 45th Avenue Southwest.

The Court: Mr. Cox, were you sworn with the rest of the jurors this morning?

The Juror: Yes.

The Court: Did you hear the Court's reading of the indictment and introduction of the parties and their counsel?

The Juror: Yes.

[fol. 43] The Court: Did you hear and understand the questions that I asked the other jurors in the box?

The Juror: Yes.

The Court: Would you have answered any of those questions by raising your hand?

The Juror: I have heard of the case, yes.

The Court: That is the first question, as to whether you have heard of the case before. Would you have answered any of the other questions that I have asked—

The Juror: People have expressed opinions to me but none claimed to have first-hand information.

The Court: Mrs. Cochrane, how long have you been on jury service?

The Juror: This is my fourth week.

The Court: Your term would normally come to an end when?

The Juror: Well, the end of this week, the 7th or 6th.

The Court: Have you thought of the question with respect to the care of your children any further? Would your answer still be the same to that question, you don't know how you will take care of them if you are confined?

The Juror: I mean, I would have to have some time to make some arrangements.

The Court: I think the Court will excuse Mrs. Cochrane in view of your long jury service from this case. You will report back to the department of the Presiding Judge. The Clerk will call another juror for No. 6.

[fol. 44] The Clerk: John N. Vukich, 2010 West 198th.

The Court: Mr. Vukich, were you in court and sworn with the rest of the jurors?

The Juror: Yes, your Honor.

The Court: Did you hear the Court's reading of the indictment and the explanation of the case and the introduction of the parties and counsel?

The Juror: Yes, I did.

The Court: Did you hear and understand the questions that I asked the jurors in the box?

The Juror: Yes, I did.

The Court: Would you have raised your hand in answer to any of those questions?

The Juror: Yes, I have heard of the case, have read about it.

The Court: That is the first question.

The Juror: Yes, your Honor.

The Court: Any of the other questions?

The Juror: People have expressed opinions to me about the case itself.

The Court: Any person claiming to have first-hand information or otherwise?

The Juror: Otherwise, your Honor.

The Court: Thank you. Any other questions that you would have answered in the affirmative?

The Juror: No, sir.

The Court: Mr. Bosna, the Court will excuse you from attendance in this case.

The Juror: Thank you.

[fol. 45] The Court: The Clerk will please call another juror.

The Clerk: Charles L. Brehn, 313 East 56th.

The Court: Mr. Brehn, were you in court and sworn with the rest of the jurors this morning?

The Juror: Yes, sir.

The Court: I didn't hear you, sir.

The Juror: Yes, sir.

The Court: Did you hear the Court's reading of the indictment and the introduction of the parties and their counsel?

The Juror: Yes, sir.

The Court: Did you hear and understand the questions that I asked the rest of the jurors in the box?

The Juror: Yes, sir.

The Court: Would you have answered any of those questions by raising your hand?

The Juror: Yes, sir.

The Court: Which ones?

• The Juror: Well, I have heard of the case and lots of people have expressed opinions of the case and—

The Court: Have the expressions of opinion been from anyone claiming to have had firsthand information?

The Juror: No, sir, and I truthfully don't believe I can be unprejudiced in the case.

The Court: Yes, sir, you may be excused. I appreciate your answers to the questions. The Clerk will please call another juror.

The Clerk: Richard H. Frank, 5406 Kirkwood Place.

The Court: Mr. Frank, were you in attendance and sworn [fol. 46] with the rest of the jurors this morning?

The Juror: I was, sir.

The Court: Did you hear the Court's general explanation of the case and reading of the indictment and introduction of parties and counsel?

The Juror: Yes, sir.

The Court: Did you hear and understand the questions that I asked the rest of the jurors?

The Juror: I have forgotten the sequence of them but I believe I would have raised my hand to the first question and no objection to the others.

The Court: Would you have raised your hand on any of the others?

The Juror: I have heard previous discussion of the situation.

The Court: Will you speak just a little louder?

The Juror: People have expressed opinions to me but I don't believe that that has prejudiced me from listening to any evidence.

The Court: Were those expressions of opinion from persons who claimed to have firsthand information in this matter?

The Juror: No, sir. Your Honor, sir, in regard to the jury being held every night, I would like to request consideration. We have five children from 4 to 11 years of age, the oldest is a spastic and is mentally retarded. I have requested he be taken to Buckley. I went before Judge Long last January. So far they haven't been able to find room for him. I am afraid if I were required to be away [fol. 47] from home for a considerable length of time it

would be hard for my wife. There is only my wife and we have no able-bodied relative. Both my parents are dead and my wife's parents are both ill.

The Court: How long have you been on the jury panel?

The Juror: Just started, sir, the latter part of November, I believe it was right after Thanksgiving. This October, I believe it was. I served actually one week and we had a two-week recess.

The Court: I think it proper to excuse you from this case, Mr. Frank. I thank you for your expression. Thank you, sir. The Clerk will please call another juror.

The Clerk: Roy J. Arndt, 8334 46th Avenue Southwest.

The Court: Mr. Arndt, were you present in court and sworn with the rest of the jurors this morning?

The Juror: Yes, your Honor.

The Court: Did you hear the Court's general explanation of the case and the reading of the indictment and the introduction of the parties?

The Juror: I did.

The Court: Did you hear and understand the questions that I asked the other jurors?

The Juror: Yes, sir.

The Court: Would you have answered any of those questions by raising your hand?

The Juror: No. 1, the question—

[fol. 48] The Court: As to whether you heard of the case before?

The Juror: I have read about it.

The Court: Any other questions?

The Juror: No, no, sir.

The Court: Since the panel now presently has upon it jurors that I have not asked concerning their previous service and types of cases and I did notice the raising of hands in the front row on that question, I would like to repeat that question again. How many of you have served in a criminal case from the beginning to the end while on this panel?

No. 1, 2, 3, 8 and 11.

How many have served on a criminal case that did not complete their service in that case? No. 1, 4 and 7. How many of you have not served completely through a civil case? No. 4 and No. 12, No. 3 and No. 12, excuse me.

The last matter that I covered with you ladies and gentlemen was concerning opinions resulting from what you may have read, heard or seen through various means of communication. I would like to ask all of you again the same question since the panel is now presently composed of others. If from what you have read, heard or seen by that means, or also from what someone has said to you not having firsthand information, you feel that you have in your mind an opinion as to the guilt or innocence of the defendant that would require evidence to remove, if you do, please hold up your hand. No hands are raised.

[fol. 49] I would like to ask you another question. Is there anything about the nature, the kind of a case this is, that would cause you to start into this trial with any bias or prejudice either one way or the other; if so, please raise your hands.

Another question, seeing no hands, do you know of any reason at all why you could not try this case impartially? Yes, sir, No. 9. Do you feel you could not?

The Juror: I think I should be excused on account of the labor relations with Boeing's and the Teamsters' Union.

The Court: Yes, sir, you may be excused.

Mr. Burdell: Your Honor, you did not notice that No. 1 raised his hand.

The Court: I beg your pardon.

The Juror: Was this just some general question or should a Boeing employee be excused?

The Court: Well, no.

The Juror: All right. This gentleman expressed an opinion in answer to any reason at all why he could not try the case impartially.

The Court: He answered there was a reason with respect to some matter. Now is there anything in your mind of that nature?

The Juror: No, no.

The Court: I will ask, ladies and gentlemen, when you raise your hands to raise them a little higher. I am sorry to have missed you. The Clerk will please call another juror.

[fol. 50] The Clerk: Elsie C. Fields, 1520 Melrose Avenue.

The Court: Miss or Mrs.?

The Juror: Mrs.

The Court: Were you in court this morning and sworn with the rest of the panel, Mrs. Fields?

The Juror: Yes, I was.

The Court: Did you hear the Court's general brief explanation of the case and introduction of the parties and counsel?

The Juror: Yes, I did.

The Court: Did you hear and understand the questions that I asked the other jurors up to this time?

The Juror: Yes, sir.

The Court: Would you have answered any of those questions by raising your hand?

The Juror: Well, the first one, I had heard of the case.

The Court: You have heard of the case before. Yes, any others?

The Juror: No.

The Court: Do you know of any reason why you could not try this case impartially?

The Juror: None that I know of.

The Court: I would like to have you ladies and gentlemen give care and attention to this question for it requires you to make some assumption and place yourself in the position of other people. It is very important that you consider it carefully before answering.

Would each of you be willing if you were in the position [fol. 51] of the Prosecuting Attorney charged with the responsibility of handling this case for the State, or if you were in the position of the defense counsel and could look into the minds of the twelve jurors in the jury box as you can look into your own minds, would you be willing to submit a case of like importance and seriousness to you as such counsel, to twelve men and women in the same frame of mind that you are in at this time and feel sure that you would have a fair and impartial trial? If you would not so feel, please raise your hand. The Court will now permit each counsel to ask general questions of the entire panel concerning qualifications to sit upon the jury. Following that the Court will permit each counsel to ask each juror specific questions. During the course of such questioning and subsequent thereto each side, of course, will

be permitted to make challenges for cause for consideration of the Court and has a duty to do so. Also in a case of this nature the law provides that each side has peremptory challenges to make without assigning any reason for the challenge and, of course, it is their duty to do so to the extent that they desire. I will ask you to please pay close attention to the questions which will now be asked.

Mr. Regal: Your Honor, I don't know whether you asked the jurors whether they knew of the witnesses or whether you read the list of witnesses.

The Court: I did read the list of witnesses. You may make such a question.

Mr. Regal: Yes. Do any of the members of this jury [fol. 52] now presently constituted know any of the witnesses that were listed personally? Not have you heard of them, but do you know of them?

The Court: Please raise your hands.

Mr. Regal: Please raise your hand if you do. If I have overlooked some of you, say something and I will stop.

The Court: No. 6.

Mr. Regal: I beg your pardon?

Juror No. 6: I believe there was a name mentioned about N. B. Lake.

Mr. Regal: Yes, he is a member of the Seattle-First National Bank. He is the vice-president and comptroller there. Do you know him?

The Juror: I have knowledge of him, I don't know him personally.

Mr. Regal: I will go into that later. Would any of the jurors like the list of witnesses re-read?

The Juror: I would.

Mr. Regal: Very well. May I read it, Your Honor?

The Court: You may.

Mr. Regal: J. J.—and may I identify these people so it is easier for them to understand who they are, Your Honor, just by a short explanation, if Counsel has no objection?

Mr. Burdell: I have no objection.

The Court: You may.

Mr. Regal: J. J. Davies, assistant director of the Department of Licenses in Olympia; Roger Jones, administrator of the Motor Vehicle Department of Licenses; M. J.

[fol. 53] Devine, office manager of Ryan Cadillac Company; E. E. Hepper, assistant manager, Metropolitan Branch, Seattle-First National Bank; Alfred Roger Hill, employee of Sunset Automotive in Ballard; Charles V. Leaf, another employee, or one-time employee of the Sunset Automotive in Ballard; Martin B. Duffy, I won't identify him any further than that. He is just a person. Donald D. McDonald, bookkeeper Western Conference of Teamsters. N. B. Lake, vice-president and comptroller, Seattle-First National Bank. Carl Huston, an accountant employed by Lobe & Block, Friedman, Lobe & Block; Frank W. Brewster, chairman of the Western Conference of Teamsters; William F. Devin, attorney.

The Juror: I have known Mr. Devin in the past.

Mr. Regal: Do you know him personally?

The Juror: No.

Mr. Regal: Just know of him.

Juror No. 6: I have a personal acquaintance with Mr. Hepper of the Seattle-First National Bank.

Mr. Regal: That is all as far as the witnesses are concerned, Your Honor. Now have any of you or any member of your family or any relative or close friend ever been involved in any way in a criminal case? That is, as a witness, as a victim, or even a defendant? Has any close friend or relative in any way been involved in a criminal case? Do any of you jurors know anyone in the Prosecuting Attorney's office, Mr. Carroll or any of his deputies, or Mr. Burdell, Mr. Keough, or anybody in Mr. Burdell's firm or working on this case? I will list them and Mr. [fol. 54] Burdell can correct me if I am wrong.

William H. Ferguson, William Wesselhoeft, Phil De-Turk, John Keough, co-counsel, and Dennis McFeeley, the young man sitting at the edge of the bench there on the first bench.

Do any of the jurors in the box know any of those people personally or otherwise?

Mr. Burdell: I probably should correct you. They are not all working in this case.

Mr. Regal: No, there are some of them in your firm. That is all the general questions I have, Your Honor. I

am certain that everything else I want to ask will have to be handled on the other basis.

The Court: Any questions by the defendant?

Mr. Burdell: Just a few, Your Honor. I would like to know if any of the jurors know or are acquainted with any member of the staff of the Prosecuting Attorney's office, including Mr. Regal or Mr. Smith or Mr. Lee or Mr. Anderson, and I would like to know if any of you are employees of the County and if any of you have any relatives or close friends who are employees of the County. I would like to know if any of you have met or know or are acquainted with any member of the Grand Jury which sat last summer in King County? Do any of you know any of the members of the Grand Jury?

Juror No. 10: I don't know who was on the jury.

Mr. Burdell: I believe the Court asked you if you had heard of this case. I would like to ask if any of you have [fol. 55] heard of a case which involved Mr. Dave Beck, Jr., who is the son of the defendant in this case?

The Court: All hands were raised in response to that question. Thank you.

Mr. Burdell: That is all, Your Honor.

May I ask one more general question, Your Honor?

The Court: You may.

Mr. Burdell: May I ask you if any of you observed the television proceedings or listened to the radio broadcasts concerning the hearings of the so-called McClellan Committee or United States Senate Committee which were conducted in Washington last summer?

The Court: 1, 2, 3, 4, 5, 6, 10, 11 and 12.

Mr. Burdell: That is all.

The Court: You may now inquire specifically, gentlemen.

[fol. 56] By Mr. Regal:

Q. Mr. Cox, will you tell us your age, please?

A. 46.

Q. And your occupation, sir?

A. I am at Boeing's, an industrial engineer.

Q. How long have you been with Boeing's?

A. Seven years.

Q. What did you do before you went there, sir?

A. Taught school.

Q. What school?

A. I was at the University of Washington most recently.

Q. How long were you there?

A. Three years.

Q. What did you teach in school?

A. Mathematics.

Q. And did you teach in any other schools?

A. In the University of Idaho.

Q. And what did you teach there?

A. Mathematics.

Q. Mathematics; how long were you in Idaho, sir?

A. One year.

Q. And other schools?

A. In the public school of Baker, Oregon and the public schools of St. Anthony, Idaho.

Q. Does that pretty well cover your working career?

A. Except for the period during the war when I worked at Kaiser shipyard.

Q. What did you do there?

A. Expediting part of the time and accounting department part of the time.

[fol. 57] Q. Are you married, Mr. Cox?

A. Yes.

Q. How many children do you have?

A. Two.

Q. Two children. How old are they, sir?

A. One is 17 and one is 9.

Q. And the 17-year-old, is that a boy or a girl?

A. A boy.

Q. Is he going to school?

A. Yes.

Q. What school does he go to?

A. West Seattle High.

Q. Does he do any work at all?

A. Yes.

Q. What kind of work does he do?

A. He acts as delivery boy for a pharmacy in West Seattle.

Q. He doesn't belong to any union?

A. No.

Q. Do you belong to a labor union?

A. No.

Q. Have you ever?

A. Yes.

Q. When you worked for Kaiser?

A. Yes.

Q. What union was that?

A. Boilermakers'. I should mention also the Musicians' Union.

Q. What instrument do you play?

A. Saxophone and piano.

Q. How long have you been with the Musicians' Union?
[fol. 58] A. I am not presently a member.

Q. How long were you in?

A. About five years.

Q. And does your wife work, Mr. Cox?

A. She works part-time in a neighborhood grocery store.

Q. Does she belong to a labor union?

A. No.

Q. What was the nature of the case that you sat on, the criminal case?

A. It was a charge of—connected with drunk and reckless driving.

Q. Traffic offense?

A. Yes.

Q. Was that prosecuted by the prosecuting attorney or by the city legal officer, if you know?

A. I believe it was the city.

Q. City, I see. Is that the only criminal case you sat on?

A. Yes.

Q. And this is your second or fourth week?

A. This is my fourth week.

Q. Starting of the fourth week?

A. Right.

Q. You are a native of what state?

A. Idaho.

Q. Your wife is a native of what state?

A. Nebraska.

Q. Has your wife ever held any other job other than the part-time job that she has now?

A. She formerly taught school.

Q. Was that in Nebraska or here?

[fol. 59] A. That was in Idaho.

Mr. Regal: I will pass Mr. Cox for cause, your Honor.

By Mr. Burdell:

Q. Mr. Cox, I didn't understand what your position was at Boeing's?

A. I am in industrial engineering.

Q. Now, I think you were one of those jurors who stated that you had heard some expression of opinion concerning this case?

A. Yes.

Q. Can you tell me where you heard those expressions?

A. In general conversations, people that I meet in my work and as I travel back and forth to and from work.

Q. Can you state the names of any of the persons who made any statement to you?

Mr. Regal: I think that is improper, your Honor, asking specific names. I don't think it's material.

Mr. Burdell: Your Honor, it might become material.

The Court: You may answer.

Mr. Regal: All right.

A. Well, they were general conversations, I believe that the two people I ride to work with expressed some opinions, that would be Donald Hahn and Donald Clingam.

Q. Would you spell those names for the Court Reporter?

A. H-a-h-n and Clingam, I think, is C-l-i-n-g-a-m.

Q. Now, Mr. Cox, can you state whether or not these [fol. 60] expressions of opinion were expressions of a hostile and adverse nature toward Mr. Beck?

A. No, I think jocular, rather than any serious expression of animosity.

Q. Did you participate in these discussions?

A. To some extent.

Q. And did you make any statements of opinion or expression of any sort concerning your attitude toward Mr. Beck?

A. Toward Mr. Beck in general, but on this particular case I said I had no opinion.

Q. You have heard then, I take it, conversations or you have participated in conversations and discussions concerning Mr. Beck in general as distinguished from this particular case, is that correct?

A. Yes.

Q. And in those discussions relating to Mr. Beck in general, have you participated in discussions in which statements of prejudicial or hostile nature were made?

A. Yes.

Q. And have you made any such statement?

A. Yes.

Q. I take it then, Mr. Cox, that in a general way as distinguished specifically from this case, you do have a prejudicial attitude toward Mr. Beck?

A. Yes.

Mr. Burdell: I think the juror should be excused, Your Honor.

The Court: Mr. Cox, has something arisen subsequent to my questioning you in reference to partiality to change your mind?

[fol. 61] The Juror: No, I understood the question applied to this particular case and I feel I am impartial on this particular case.

The Court: Did I misunderstand your last answer? Will you put the question again, please?

By Mr. Burdell:

Q. I think my question, Mr. Cox, is this. I will put it this way. As I understand it, you do have a general prejudice against Mr. Beck as distinguished from any knowledge concerning this particular case, is that a correct statement?

A. Yes.

The Court: Using Mr. Burdell's words, would that general prejudice you may have against Mr. Beck affect your determination and fair consideration of this case?

The Juror: I believe not.

The Court: I want to be sure that I understand you, Mr. Cox. Referring back to general questions that I asked with respect to placing yourself in a position of either party

or their counsel, if you were in either of their positions or both and we now here are concerned with your state of mind, would you be willing to have such a case that would be important to you in that position tried by twelve jurors in the state of mind you presently are in?

The Juror: Yes.

The Court: You may continue questioning, Mr. Burdell.

Mr. Burdell: Thank you, your Honor.

Q. Mr. Cox, this general attitude of prejudice which you [fol. 62] feel you have, and thank you for telling me, toward Mr. Beck, I take it is based upon numerous charges which you have heard made concerning him during the past several months, or does it go farther back than that?

A. No.

Q. And these were things that—were some of these things part of the hearings of the McClellan Committee that you listened to?

A. Partly that, yes.

Q. And did you hear or listen to charges made by Senator McClellan in the course of those hearings?

A. Part of that, yes.

Q. And by Mr. Kennedy, the counsel for that committee?

A. Partly.

Q. And then I think—let me ask you this, Mr. Cox, did you watch or observe any of the television proceedings before the McClellan Committee at which time Mr. Beck appeared?

A. Yes, I saw him on television.

Q. Did you see him the two times he appeared before the committee or just once?

A. Part of one appearance.

Q. Part of one appearance, and I take it then that you recall what took place, the fact that he did not answer any questions?

A. That is the thing I remember.

Q. Is that one of the things that would create or contribute to the prejudice which you have in your mind?

A. I believe it is.

[fol. 63] Mr. Burdell: Your Honor, I think under the Grunwald Decision in I Law Edition, I think that this

witness, no matter how much he tries, would find it very difficult to be impartial.

Mr. Regal: Your Honor, the State joins with Counsel in asking that the Court excuse Mr. Cox. I think Mr. Cox is being honest.

The Court: Mr. Cox, you may be excused, and thank you. The Clerk will call another juror.

The Clerk: Inez R. Degering, 417 North 36th.

The Court: Miss or Mrs.?

The Juror: Mrs.

The Court: How do you pronounce your last name?

The Juror: Degering.

The Court: Thank you. Mrs. Degering, were you in the courtroom and sworn with the rest of the jurors this morning?

The Juror: Yes.

The Court: Did you hear the Court's explanation of the case in general?

The Juror: Yes.

The Court: Did you hear and understand the questions that I asked the other jurors and these are the questions that the Court asked the other jurors?

The Juror: Yes.

The Court: Would you have raised your hand in answer to any of those questions?

The Juror: Well, number one, that I have heard of the case.

[fol. 64] The Court: I see, and any of the other questions?

The Juror: I don't think so.

The Court: Mr. Regal, you may inquire.

Mr. Regal: Your Honor, I will ask the general questions that I asked before, if I may.

The Court: You may.

By Mr. Regal:

Q. Mrs. Degering, have you or any member of your family or any close friend ever been involved in any way in a criminal case?

A. No.

Q. That is as a victim or witness or anything at all. You have no experience at all with criminal matters?

A. No, I haven't.

Q. This is your first jury duty as a juror in a criminal case?

A. About twenty years ago I was on a jury and it was on that case out at Golden Gardens where a girl was picked up, you know, kidnapped. That is the only one.

Q. You were on the jury at that time?

A. Yea.

Q. And did anything occur during the course of that trial that would tend to prejudice you in a case of this nature now, or have you forgotten almost every part of it?

A. It is hard to remember the names.

Q. Did you hear the list of witnesses that I read?

A. Yea.

Q. To the jurors. There is a few additional witnesses [fol. 65] that I failed to read because the State does not at this time intend to call them, but may I read those again. Your Honor, to all the jurors, the remaining witnesses?

The Court: The Court will read the list of witnesses.

Mr. Regal: Thank you, your Honor.

The Court: M. J. Devine, Frank F. Dutton, N. B. Lake, Martin B. Duffy, Donald D. McDonald, Ken Eline, David L. Forest, Alfred Roger Hill, Charles B. Leaf, Carl E. Houston, Ludwig Lobe, Samuel B. Bassett, Frank W. Brewster, Marcella M. Guiry, William H. Marx, Russell Schley, Louise Sartor, E. E. Hepper, J. J. David, Roger Jones, and William F. Devin.

Q. Mrs. Degering, do you know any of those personally?

A. Not personally.

Q. You have heard of some of them, but you don't know anything about them?

A. That's right.

Q. Do you know anything about them that would tend to prejudice you in this case against either side?

A. No.

Q. And do you know Mr. Burdell or Mr. Keough, the defense attorneys?

A. No.

Q. Nor any member of their firm?

A. No.

Q. Nor any of the other attorneys I read?

A. No.

Q. Do you know any member of the prosecuting attorney's staff, Mr. Carroll or any of his deputies?

[fol. 66] A. No.

Q. Mr. Smith or myself?

A. No.

Q. Mrs. Degering, are you employed?

A. Well, we have our own business.

Q. What business is that?

A. Wholesale distributor.

Q. What is the name of the business?

A. Loma Linda Foods.

Q. Foods?

A. Yes.

Q. Where are they located?

A. 417 North 36th.

Q. How long have you been in that business?

A. Oh, we have had it about twenty years.

Q. And you and your husband—

A. Yes.

Q. —he is the manager or owner?

A. He is the owner.

Q. He is the president, anyway?

A. Yes, he is the owner.

Q. You work with him in it?

A. Yes, I do.

Q. And do you have any children, Mrs. Degering?

A. We have two.

Q. How old are they?

A. Our son, he teaches at the University of Washington, he is 38.

Q. And the girl?

A. Our daughter is a teacher and she is 43.

[fol. 67] Q. Now, the son is going to the University, is he a married man?

A. He teaches in the school of dentistry.

Q. Is he married?

A. Yes.

Q. Does he have children?

A. Yes, one.

Q. How old is the child?

A. Thirteen months.

Q. He is a teacher in the school of dentistry at the University of Washington?

A. Yes.

Q. How long has he been there?

A. He has been there I think about five years, it would be around that.

Q. What did he do before he went there?

A. He was in the Navy.

Q. As a dentist?

A. No; no he wasn't. He finished college and started dentistry.

Q. Has he been teaching for five years?

A. Yes.

Q. And the girl, what does she do, Ma'am?

A. She is a teacher and she is in California.

Q. What sort of teaching does she do?

A. First grade.

Q. Did she take her training here?

A. Part at the university and part at Walla Walla College.

Q. And she is where in California?

A. At Garden Grove.

[fol. 68] Q. What is that close to?

A. It is close to Long Beach.

Q. How long has she been there?

A. A little over a year.

Q. And was she up here in Seattle before she went there?

A. Yes.

Q. Did she teach here?

A. She taught over at Bremerton.

Q. Is she married?

A. Yes.

Q. What does her husband do?

A. He is an engineer for Douglas.

Q. Douglas Aircraft in California?

A. Yes.

Q. How long has he been with Douglas?

A. It's I believe about—it will be a year—it's either a year or two years in January.

Q. Has he been in aircraft work all the time?

A. Well, he taught some at the University of Washington.

Q. He is an engineer?

A. Yes.

Q. What sort of work did your husband do before he went into this wholesale distributing business?

A. Well, we were in school work part of the time. He was manager for a couple of schools, manager.

Q. What kind of schools were they?

A. Oh, they were private.

Q. Private schools?

A. Yes.

Q. Have you a teacher's degree?

[fol. 69] A. No.

Q. Did you go to the university?

A. No.

Q. Did your husband?

A. No.

Q. When you served on jury duty about twenty years ago, Mrs. Degering, is that the only criminal case you sat on that you can recall?

A. It was the only one.

Q. And this is your second or fourth week?

A. The second.

Q. And have you served on any criminal cases in the first two weeks?

A. No.

Q. I mean the first week?

A. No, it was the last week.

Mr. Regal: Pass Mrs. Degering for cause, your Honor.

By Mr. Burdell:

Q. Mrs. Degering, how large an establishment did you and your husband operate? How many people do you employ?

A. Just ourselves and we have part-time help.

Q. Do you employ anyone who are members of labor unions?

A. No.

Q. Have you ever had any experience with any labor union making any attempt to organize any employees that you have?

A. No.

Q. Have you ever been troubled in any way by any labor [fol. 70] union in connection with your work?

A. No, we haven't.

Q. Now, I think you said you had heard of this case. Can you tell me how you heard of it?

A. Oh, just in the newspapers and headlines and just like that.

Q. Have you heard about it since you have been on this jury panel?

A. You mean just today or—

Q. No, since you have been serving as a juror.

A. I haven't read anything.

Q. Have you discussed it with anyone, Mrs. Degering?

A. Oh, we might just mention it at home, just like it was, the headlines or something that way.

Q. You think you might have discussed it, you mean, with your husband?

A. We just barely mentioned it.

Q. Have you discussed it with any other members of the jury panel?

A. No. We might mention how it is going or something that way. When Dave Beck, Jr. was up.

Q. You heard about that case?

A. Oh, yes.

Q. Did you talk to anybody who was a prospective juror or a juror in that case?

A. No.

Q. Now, in connection with these discussions, have there been any hostile statements made towards Mr. Beck?

A. No.

Q. Not by either you or anyone to whom you have been talking?

[fol. 71] **A.** No, I don't recall any. It was, I just overheard someone say something what they would do or something like that.

Q. Was that a juror?

A. No, it wasn't. It was just someone outside.

Q. Did that make any impression on your mind that would influence you in this case at all?

A. No, it didn't.

Q. And I take it that you have never heard any such statement by your husband which reflected—

A. No.

Q. Do you think, Mrs. Degering that whatever you may have heard you can put aside and consider this case as if you never heard anything at all?

A. I think I could. The only thing, there is only one thing, it is a little bit hard for me to serve because of our business, that is the only thing. It's a little bit hard on account of our business. I have been helping my husband right along and that is the only thing I have to—I am not prejudiced or anything.

The Court: In what way is it hard?

The Juror: Well, I make the bills, all the invoices.

The Court: I can't hear you.

The Juror: I make all the invoices, all of that part. If it isn't too long he can manage.

The Court: What sort of items do you sell or distribute?

The Juror: Well, it is food.

The Court: Any particular season?

[fol. 72] The Juror: No, no, it's just flour and cereals and vegetables, canned vegetables and things like that.

The Court: Thank you. You may continue.

By Mr. Burdell:

Q. Mrs. Degering, would this problem of assisting your husband in the business, would that cause you in any way to become impatient—

A. No, it wouldn't.

Q. —with administering the trial of this case?

A. No.

Q. You think you could be just as patient with Mr. Regal and myself even though it might appear that we are doing something that we shouldn't do? You will understand, will you, we do it because we think we have to.

A. That's right.

Mr. Burdell: Pass Mrs. Degering for cause.

By Mr. Regal:

Q. Mrs. Cook, are you employed?

A. No, I have just been sitting here thinking. You asked if anybody knew of a prior case and I forgot about this, I don't know whether this would be a criminal case, but five or six years ago my husband put a down payment for a distributorship of a battery product in Seattle and the product never came and he had to go to court.

Q. You sued, that is a civil case, you sued someone?

A. Oh, is that different?

Q. And nothing occurred during that process that would tend to prejudice you either against the defense attorney, [fol. 73] Mr. Burdell, or against the State of Washington, the State had nothing to do with that?

A. No.

Q. Mr. Burdell had nothing to do with it?

A. No. You asked that and I just wondered.

Q. That is a civil case. And that isn't what we are looking for. Now, you have served on a criminal case, have you not?

A. Yes.

Q. And nothing occurred during the course of that trial which would tend to prejudice you in this case against either side?

A. No.

Q. You realize, of course, every case is tried on its own merits and its own facts and anything that occurred has nothing to do whatsoever with this trial?

A. Yes.

Q. You understand that, of course?

A. Yes.

Q. Now, I asked you whether you were employed and you said no.

A. No.

Q. What does your husband do?

A. He is self-employed. He is the owner of an auto rebuild.

Q. Auto rebuild? What is the name of that?

A. Cooke Auto Rebuild.

Q. Where is that located?

A. 177 East 85th. 85th and Bothell Way.

Q. I beg your pardon?

A. I said it is closer to 85th and Bothell Way.

[fol. 74] Q. How long has he been in that business?

A. Just about a year now.

Q. What did he do before that?

A. Before that we had a motel we built and ran, Seafair Motel.

Q. And how long were you in that business?

A. About three years.

Q. And what did you do before that?

A. Before that, we had another auto rebuild.

Q. Was that here in town?

A. Right.

Q. Was that Cooke Auto Rebuild?

A. No, that was Aurora Auto Rebuild.

Q. All right, and how long was he there?

A. Oh, about seven years.

Q. Several years, and prior to that, or are we getting back to the beginning?

A. Prior to that we were in school.

Q. How far through school did you go?

A. I graduated from college.

Q. What course did you take?

A. Business.

Q. Business administration? Did you go out here to the university?

A. Yes.

Q. When did you take your degree?

A. I graduated in '50.

Q. 1950?

A. Yes.

Q. Did your husband go there too?

[fol. 75] A. Yes.

Q. What course did he take?

A. Business.

Q. And do you have children?

A. I have one son.

Q. How old is he, Ma'am?

A. He is four.

Q. And you have made arrangements to take care of him?

A. Well, I haven't, but I can.

Q. You can? And if, as Mr. Burdell asked you, if this looks like it is lagging and you get a little bit nervous you are not going to hold it against either one of us, are you, if we look like we are delaying the proceedings?

A. No.

Q. You understand there are legal problems that arise in these cases and they have to be handled as we go along. Being away from your son isn't going to upset you unnecessarily, is it, or you wouldn't be able to listen carefully to all the evidence and weigh it objectively?

A. Well, I don't think so, as long as I know he is all right. Right now I don't know how I will be able to make the arrangements. I mean, I have to talk to grandmothers.

Q. There are grandparents available in town and has the child been with them before overnight?

A. Yes.

Q. There is no emotional problem as far as you are concerned with the child then?

A. No.

[fol. 76] Q. Your husband can get along all right?

A. Yes, I know he can get along.

Q. Have you ever worked, Mrs. Cooke?

A. Yes.

Q. What kind of work did you do?

A. I was a stenographer for three years.

Q. For what organization?

A. Savings and Loan.

Q. Savings and Loan. Now, has your husband ever been a member of any union?

A. No.

Q. Never has?

A. No.

Q. Has he ever had any difficulty with any union that you know of?

A. No, not that I know of.

Q. So there is no feeling against unions one way or another as far as you are concerned?

A. No.

Mr. Regal: Pass Mrs. Cooke for cause.

By Mr. Burdell:

Q. Mrs. Cooke, as I understand if you are still not sure you can make arrangements?

A. Well, I haven't talked to anyone today. I think it will be all right. I just have to get it confirmed.

Q. Does your husband employ any union members?

A. Not now.

Q. Did he in his previous—

A. In his first auto rebuild it was much larger and he did [fol. 77] employ union help.

Q. And now I understand from what you say that it isn't large enough?

A. No, it is just partnership with him and his father now.

Q. I see. The first one was the one on Aurora?

A. 92nd and Aurora.

Q. That you say he operated seven years?

A. Yes.

Q. Do you know what union his employees were members of?

A. I believe it had to do with something—auto rebuild workers or—

Q. Do you know whether or not he had any differences with the union during that period of time?

A. No, he didn't have any trouble with—

The Court: Can't hear you.

A. I said no, he didn't have any trouble with the union.

Q. Can you tell whether or not you or your husband as a result of the employment of union members, whether or not you had any difficulties, had any or have any prejudice which might affect you in this case because it involves the president of a labor union?

A. No, I don't believe so.

Q. Now, you are one of those who has heard about this case?

A. Yes, sir.

Q. And how did you hear about it?

A. Oh, just newspapers and television.

Q. And have you discussed it with anyone or have you heard discussions about it?

A. No, I haven't paid much attention to discussions.

Q. Have you discussed it with your husband?

[fol. 78] A. Well, we may have mentioned it or talked about it, but we haven't said one way or the other about it.

Q. Well, have you discussed Mr. Beck generally with your husband?

A. Yes, I have.

Q. And has your husband expressed any attitude towards Mr. Beck in general?

A. No, he hasn't expressed an opinion.

Q. And have you any—expressed an opinion to your husband?

A. No.

Q. Would you say that any conversation that you and your husband may have had has been strictly noncommittal as far as Mr. Beck is concerned?

A. Yes.

Q. Would that be true with regard not only to this case but in regard to Mr. Beck and the charges in general which have been made against him?

A. Yes.

Q. Did you watch the proceedings of the McClellan Committee on television?

A. Not all, I saw part of them.

Q. Did you see the proceedings on the day or days when Mr. Beck appeared?

A. I believe I saw parts of those.

Q. And do you recall that Mr. Beck didn't testify or refused to testify?

A. Yes, I recall it.

Q. And at that time did you have any impression or idea which you still entertain concerning Mr. Beck or anyone [fol. 79] else's refusal to testify under such conditions?

A. I don't quite understand what you meant.

Q. Well, I am wondering if his refusal to testify impressed you in any way or formed any opinion in your mind concerning whether or not he was right or wrong in

doing so, which opinion or impression you can now state is one which you still have?

A. Well, at the time I had an impression, but it's been quite a while ago and it's been erased by now.

Q. Well, can you tell me what your impression was at that time so I can find out?

The Court: That question should be posed in terms not calling for specific—

Mr. Burdell: Times?

The Court: Specific details.

Mr. Burdell: Yes, I understand.

Q. Well, was it at the time an impression or an opinion in your mind to the effect that he shouldn't have done it or had no right to do it?

A. Well, I think I had the opinion that he shouldn't have done it, yes.

Q. Well, has anything happened between or since that time and now to change your opinion that he shouldn't have done it?

A. Well, it's been a long time ago and I think it's kind of gone out of my mind by now.

Q. But as you look back upon your impression at that time it was that he shouldn't have done it?

A. Yes.

Q. And then isn't it true that now looking back on it you [fol. 80] now feel that he shouldn't have done it?

A. Well, I just don't know.

Q. Well, you're not sure at the present time whether or not it was something which he had a right to do or which he didn't have a right to do, is that it? Or which he should have done morally or shouldn't have done morally. You have no feeling about it at the present time?

A. Well, under the circumstances I think everyone is entitled—

The Court: Can't hear your answer.

A. I just don't quite understand what he's driving at.

Q. Well, perhaps I can tell you. Maybe my questions haven't been clear. I understood you to say that at the time of the Senate hearings it was your opinion or impression

that he had no right to or shouldn't have done what he did, he shouldn't have refused to testify. I am just trying to find out if you still have that same idea at the present time.

A. You mean he shouldn't have had a right to testify?

Q. Well, let me start in again. I may be getting you mixed up. I am getting myself mixed up. I understood you to say that at the time of these hearings it was your opinion or impression that he shouldn't have refused to testify. Is that what you said?

A. Well, it would have been helpful if he did so, I guess it's my opinion I believe he should have testified.

Q. Do you still have that opinion?

A. Do I still believe the same way I did last summer, whatever it was?

Q. Yes.

[fol. 81] A. I believe I do.

Q. Now, what I would like to find out is this. Has that impression or opinion created anything in your mind which you could describe as prejudice or bias towards Mr. Beck at the present time insofar as the deciding the issues of this case are concerned?

A. No.

Q. Do you believe that—put it this way. Can I be satisfied that whatever impression you had back last summer in connection with those hearings wouldn't affect your verdict in any way in connection with this particular case?

A. That's right.

Q. You think I can be confident of that?

A. Yes you can.

Mr. Burdell: I think I will pass Mrs. Cooke.

The Court: Mr. Regal?

By Mr. Regal:

Q. Mr. Ryan, can you tell me your age, please?

A. 31.

Q. And are you married, Mr. Ryan?

A. Yes, I am.

Q. Have children, sir?

A. No.

Q. How long have you been married?

A. Eight and a half years.

Q. Are you employed?

A. Yea.

Q. What kind of work do you do?

[fol. 82] A. Purchasing Department at Boeing's.

Q. How long have you been there?

A. Five years.

Q. What was your employment before then?

A. I was a salesman for a fire fighter company.

Q. They sell fire fighting equipment?

A. Yes.

Q. Is that here in Seattle?

A. Yes.

Q. Is Seattle your home town? Is this your native—
place where you were born?

A. I was born in Bellingham.

Q. Well, around this area. Have you ever lived any-
where else?

A. I lived in Canada for a number of years.

Q. Where in Canada?

A. Vancouver.

Q. Did you work up there?

A. I went to high school.

Q. You lived up there with your family and went to high
school?

A. Yes.

Q. Was your father employed up there?

A. Prior to living in Vancouver we lived in a place called
Vernon which is in British Columbia and he had a ranch
there until he passed away.

Q. Is your wife employed, Mr. Ryan?

A. No, she is not.

Q. Has she ever been employed?

A. Yes.

[fol. 83] Q. What kind of work?

A. Insurance adjusting as a secretary or as an adjustor.

Q. Was that all in this area here?

A. Between Seattle and Portland.

Q. Now, you served on a jury trial trying criminal cases
before?

A. Yea.

Q. What was the nature?

A. I believe second degree assault and attempt to rape.

Q. Did anything occur during the course of that trial that would tend to prejudice you against a man charged with a crime?

A. I believe not.

Q. When you phrased it that way, then there is always the inference that maybe there is something. Definitely not, is that—would that be your answer, or is there something?

A. We found the defendant not guilty.

Q. Well, that has no bearing actually on this case, has it, in your mind?

A. No, it has no bearing whatsoever.

Q. Now, what occurred in this other case would not affect your judgment in this case at all?

A. No.

Q. You can divorce your mind completely from the facts and circumstances and everything that occurred in that case and judge this case on its merits on what you hear in this courtroom, is that right?

A. I think I can, yes.

Q. I mean, you are not going to compare the two cases. [fol. 84] for example, you are not going to say, well, that other prosecutor when he cross examined he was more forceful, or he was less obnoxious, therefore you are not going to compare the two cases?

A. No.

Q. Compare the two defense attorneys, the two prosecutors, the judges or anything like that? You can cut that out of your mind completely?

A. That is an impossible thing to do, sir.

Q. Well, maybe. But you realize, of course, that the rules of evidence that are ruled upon by the Court here are the rules of this case and you are not to apply any other rules that you might have heard in another case?

A. Yea, I believe that.

Q. And the evidence and the quantity of evidence that is presented to this jury for their deliberation has nothing to do with the evidence or the quantity of evidence that you had in the other case?

A. No, I don't believe I would even think about the other case in comparison with this.

Q. That is what jurors usually say and when you hesitated and qualified it somewhat I thought we had better go into it. Now, Mr. Ryan, in the purchasing department at Boeing's do you belong to any union?

A. No, sir.

Q. Have you ever belonged to a union?

A. No.

Q. Of any kind? Have you ever had any difficulty with the union or any of its officials?

A. None.

[fol. 85] Q. Do you have any prejudice at all against unions or their officials?

A. No.

Q. You hesitated then. You were just merely thinking to make sure?

A. (Witness nods.)

Q. And being so young it doesn't take many questions to go back into your working background. Have you done any other kind of work other than salesman and purchasing at Boeing's?

A. It has been some time, I spent some time in the United States Army.

Q. What did you do there, sir?

A. I was in the Infantry.

Q. What rank did you hold?

A. P.F.C.

Q. Did you go to the university at any time?

A. I went to the university in Portland.

Q. Where?

A. Portland.

Q. Portland. How many years did you go there?

A. I completed the four year course.

Q. Did you take a degree?

A. Yes.

Q. In what?

A. Sociology.

Q. I see.

Mr. Regal: I'll pass Mr. Ryan for cause, your Honor.

[fol. 86] By Mr. Burdell:

Q. Mr. Ryan, I think you were one of those who stated that you had heard some discussion about this case. Am I correct about that?

A. I didn't know the specific charge against Mr. Beck. I had not heard before coming into this court.

Q. I see, but have you heard some discussion or participated in some discussion about Mr. Beck?

A. Yes, I have.

Q. And has that been recently during the past few months?

A. Yes.

Q. And in the course of those discussions were statements of a hostile nature made about him?

A. I believe one person expressed an opinion that he thought he was guilty and I discredited it.

Q. Thought he was guilty of something but you hadn't heard about this case, so I guess they were just saying he was guilty. Of anything.

A. Yes, that's right.

Q. You only heard one statement of that sort?

A. That's all I can recall.

Q. Now, have you ever expressed yourself in any statements of that sort, any statements or prejudice or bias or opinion as to his general guilt or innocence of any sort or any statement of that nature?

A. Not that I can recall.

Q. Tell me who it was or was it an employee or fellow employee that made that statement?

A. Yes, it was.

Q. How long have you been in the purchasing department there?

[fol. 87] A. Five years.

Q. And did Mr. Regal ask you if you were married?

A. Yes, he did.

Q. What did you say?

A. I said I was.

Q. What about newspapers, Mr. Ryan, have you read a good many newspaper articles concerning Mr. Beck?

A. Not about Mr. Beck. It's probably an accident, but I have not seen about this particular case.

Q. Well, have you read newspaper articles in general during the past few months about Mr. Beck and charges that have been made against him?

A. I think the McClellan hearings.

Q. Did you watch them on television?

A. I think I watched recaps of them.

Q. And I suppose if that is the case you watched the time or the appearance of Mr. Beck before the committee?

A. I recall he invoked the Fifth Amendment.

Q. Did that have any impression or cause you to form any opinion towards Mr. Beck which you now—which now continues to exist in your mind in any way? What did you think of it then or now insofar as it might affect your opinion of Mr. Beck as a witness or your opinion of this case?

The Court: The question might call for an answer of specifics rather than attitude. You might rephrase it.

Mr. Burdell: I will rephrase it, your Honor, yes. Well, does the fact that Mr. Beck invoked the Fifth Amendment cause you at this time to have any prejudice toward him, [fol. 88] a feeling of antagonism or a feeling that he had no right to do this?

A. No, sir.

Q. You have no prejudice against anyone who under certain circumstances invokes the Fifth Amendment, is that correct?

A. Yes. His attorneys instructed him evidently to do that.

Q. Do you have any prejudice against attorneys who instruct their clients to invoke the Fifth Amendment?

A. No, sir, I don't.

Q. Well, in any event you didn't see me on television on that occasion.

A. If you were there, I don't recall you.

Q. Well, you don't recall me as having been the attorney who did so instruct him?

A. No, I don't.

Q. Did you hear during the course of those hearings certain charges or assertions or claims made by members of the Senate Committee, including, for example, Senator McClellan, do you recall any of the charges or assertions that Senator McClellan made?

A. I believe he was quite angry or put out about Mr. Beck invoking the Fifth Amendment.

Q. That is the only thing you recall?

A. That is all I recall now.

Q. Now, would the fact, I take it from what you said that regardless of what Mr. McClellan thought about Mr. Beck invoking the Fifth Amendment, you still feel that he had a right to do so if his attorneys instructed him to do so, is that correct?

[fol. 89] A. That is the way I feel, yes.

Q. In other words, I don't have to worry about the fact that you might be overly impressed by the attitude of the United States Senator concerning that matter?

A. No, I believe not.

Mr. Burdell: Pass this juror for cause.

[fol. 90] RAYMOND J. KRAATZ, 4134 West Monroe Street (whereupon, promising to true answer make to questions propounded to him touching upon his qualifications to act as juror, was duly sworn).

Voir dire examination.

By Mr. Regal:

Q. Mr. Kraatz, what is your occupation, sir?

A. Self-employed.

Q. You are in a partnership with another person, and what is the—

A. We operate coin-operated washers and dryers in apartment buildings, military installations.

Q. How long have you been in that business?

A. About six years.

Q. And how long have you been on jury duty?

A. This is our fourth week.

[fol. 91] Q. And when you are on jury duty, have you been working nights?

A. Just as an emergency comes up. Not regularly. We never do.

Q. Your partner has been holding his own for at least three weeks?

A. Yes.

Q. Do you feel that this problem or this burden on your partner is going to be so bad you are going to be impatient with Counsel and the Court in the event there are natural delays that we have in criminal cases?

A. No.

Q. And you will not hold it against either Counsel or Judge or anyone else?

A. No.

Q. We might not excuse you. Now you said that you worked on a case before where the case was continued. Was that a criminal case?

A. Yes, sir, it was. It was—we barely got started.

Q. Don't go into specifics. Was it a case that was handled by the prosecuting attorney's office or the city?

A. It was the city.

Q. I see. A city appeal on a misdemeanor?

A. It was a traffic case.

Q. Traffic case. You haven't sat on a case involving the State of Washington or the Prosecuting Attorney's office?

A. No.

Q. Now are you married, Mr. Kraatz?

A. Yes.

Q. Do you have children?

[fol. 92] A. Two.

Q. How old are they, sir?

A. Thirteen and ten.

Q. Boy or girl?

A. Both girls.

Q. Are they both going to school?

A. Yes.

Q. Does your wife work?

A. No.

Q. Has she ever worked?

A. Yes.

Q. What kind of work has she done?

A. Accounting, bookkeeping, cost accounting.

Q. You don't have her working for your partnership?

A. Yes, she does the bookkeeping.

Q. You don't pay her?

A. Ex officio.

Q. What kind of work were you doing before you went into this partnership?

A. Selling, representing a company, installing self-service laundries in the Northwest.

Q. You have been in that work for quite some time?

A. No, that was just a period of four years.

Q. And what did you do before that?

A. I was plant superintendent for Custom Manufacturing Company.

Q. Here in town?

A. Yes.

Q. How long were you with them?

A. A little over four years.

[fol. 93] Q. And before that, sir?

A. The Army for almost five years.

Q. Takes it back quite a ways. What did you do before that?

A. I was in business for myself in Chicago.

Q. How old are you, Mr. Kraatz?

A. 42, I got an early start.

Q. You notice I am only asking the men how old they are. What did you do in the Army?

A. I was an officer in the Cavalry.

Q. That is World War II?

A. The big war.

Q. I don't think—did they still have horses?

A. Well, no, actually we were mechanized, but still the Cavalry.

Q. And what did you do before that?

A. I was in business for myself as an insurance broker in Chicago.

Q. Is Chicago your home?

A. Born in Chicago, yes.

Q. How old were you when you came out here?

A. I came out here after I got out of the service in '45.

Q. You have been here ever since?

A. Yes.

Q. Have you lived in any other city?

A. Just Chicago.

Q. Your wife is a native of Chicago?

A. No, Florida.

Q. And your children have been born—not in Seattle—but one in Seattle?

A. One in Seattle and one in Olympia.

[fol. 94] Q. Were you working in Olympia?

A. No, I was overseas at the time and my wife was living with her folks.

Q. I see. Now I think we have covered it pretty well. I was thinking—this is your second or fourth week?

A. Fourth week.

Q. And you served only on civil cases before?

A. Yes.

Q. Have you ever been called for a criminal case and excused?

A. No, just the one that was mentioned.

Mr. Regal: Pass Mr. Kraatz for cause, Your Honor.

The Court: It is time, ladies and gentlemen, for the afternoon recess. I want to remind the jurors in the box and in the courtroom of the Court's instructions at noon not to discuss this matter between them or with any other person. The jurors in the box may now retire to the jury room.

(Jury leaves jury box.)

(Recess.)

The Court: Bring in the jury, please.

(Jury enters jury box.)

The Court: Please be seated. Mr. Burdell, you may continue your examination of Mr. Kraatz.

Voir dire examination.

By Mr. Burdell:

Q. Mr. Kraatz, did I understand you to say that you had worked for the Crescent Company?

[fol. 95] A. That's right.

Q. Is that the company that manufactures spices?

A. That's right.

Q. How long did you work there?

A. A little over four years.

Q. What position did you have there?

A. I was assistant production manager and plant superintendent.

Q. And were you in charge of any people or employees who were members of labor unions?

A. Yes, virtually all of them.

Q. Did you have anything to do with the collective bargaining or negotiating of contracts?

A. Not the actual collective bargaining as such but more grievances.

Q. What union?

A. Warehousemen's Local 174.

Q. And in connection with grievances what was your function?

A. Oh, generally handling the grievances when the committees from the local unions came down to air them.

Q. Did you represent the employer?

A. That's right.

Q. In connection with those things,—now do you have any or was your experience such that would cause you to have any prejudice whatsoever of any sort for labor unions and particularly Local 174?

A. Some of our problems were rather difficult.

Q. And I understand what you say, that from time to time you felt the position of the labor union was not well founded or was incorrect or something of that sort?

[fol. 96] A. Well, most of the laws at the time were rather difficult for us to operate under and the unions took advantage of it.

Q. Do you think—you say the laws at the time. Are you talking about some federal law?

A. Yes.

Q. Is that prior to the passage of the so-called Taft-Hartley Act?

A. Yes.

Q. And you felt that the previous law, the Wagner Act, created some advantage on the part or for labor unions which they took unfair advantage of?

A. Well, it posed a handicap for us more than anything else.

Q. Well, do you mean to say in any case or in any instance that you know of, the representatives of Local 174 did anything or performed any act which they were not entitled to perform under the law?

A. No, I wouldn't say that.

Q. Well, can you tell us who you dealt with in Local 174? By the way, do you know whether or not Local 174 is part of the Teamsters' Union?

A. It is.

Q. Can you tell us who you dealt with in that union?

A. One name that comes to mind at present, it's been quite a while ago and the only name that I can think of is Mr. Cavano.

Q. And you did have some experience with him?

A. Yes.

Q. And from time to time did you have disputes with him of one sort or another?

[fol. 97] A. Oh, I wouldn't say they were disputes.

Q. Differences of opinion?

A. Well, yes, friendly arguments.

Q. Yes. Well, could you say that at all times your arguments or your disputes or differences of opinion with Mr. Cavano were of a friendly nature?

A. Well—

Q. That is, friendly disputes?

A. None I can say—well, yes, they were friendly enough disputes. It is hard to differentiate where they stopped being friendly, but—

[fol. 98] Q. Have you had any other experience in labor relations besides your experience with the present company?

A. Personally, no.

Q. But are you familiar in a general way with the problems of labor relations and negotiations of collecting bargaining agreements?

A. Yes.

Q. And would you say that Mr. Cavano or any—or the disputes or the differences between yourself and Mr. Cavano or anyone else in Local 174 were to your knowledge or

belief any different than the disputes generally or which frequently arise between employers and unions? Were they of a more bitter nature or do you have any reason to feel that Local 174 was acting differently or more unfairly from what you have heard about labor unions in general?

A. No, no.

Q. How long did you handle these grievances or the matters of Local 174? Did you do it during the entire four years?

A. Just about four years, it's a little over four years, yes.

Q. When you left the Crescent Company then, you immediately went into business for yourself?

A. No. I went to work for a trucking concern for just a short period of time.

Q. How long was that?

A. Well, it was about eight months, seven months, I believe it was.

Q. Did you have anything to do with labor relations there?

[fol. 99] A. Only to the extent of calling the union hall to get drivers.

Q. Whatever differences of opinion you had with Mr. Cavano, is it your feeling or belief that in some way Mr. Beck is responsible for whatever it was that you felt Local 174 was doing improperly?

A. No, I can't say that.

Q. Can I feel reasonably sure that your experiences with Local 174 would have no effect whatsoever in this case?

A. Oh, I don't think so.

Q. Well, I have to be kind of sure.

A. Well, the only thing I have to say is that some of the problems put forth and argued at the time were pretty unfounded and difficult from the standpoint that they were unreasonable and under the laws at the time it was difficult for us to handle them, and they took advantage of the situation.

Q. Well, if you think that they took advantage of the situation or of your employer, am I right then in concluding that you have at this time some sort of prejudice against the Teamsters Union as a result of that experience?

A. No, I don't think I have a prejudice against the union at this time.

Q. Did you have a prejudice against them at that time?

A. I did then, yes.

Q. And what has happened between then and now to erase that prejudice?

A. Well, most of all I don't have to deal with them any more and secondly, the laws have been changed so they [fol. 100] are more fair.

Q. As far as you know now, Mr. Kraatz, Local 174 is complying with the existing law relative to labor relations?

A. I presume so. I am not in touch with them any more.

Q. Well, you have no reason to believe that they are not?

A. No.

Q. Now to go back, I am wondering if I can be sure that you recall your last answer was something in terms of "you think so". Can I be sure that that experience won't in any way prejudice you against Mr. Beck in this case?

A. No, excuse me—I will not let prejudice enter into the thing. I will weigh the case on its merits.

Q. When you say you won't let prejudice enter into it—

A. That was a poor selection of words. I am not prejudiced at the moment.

Q. All right. Now, I think you said that your wife does the bookkeeping for your company?

A. That's right.

Q. Does she work full time or part time?

A. Just part time.

Q. Is she the only bookkeeper that you have?

A. Well, my partner's wife does part of it but she is the primary bookkeeper.

Q. How large a business is that in terms of employees?

A. Just my partner and myself.

Q. Well, do you have truck drivers or—

A. No.

Q. How are their machines installed in apartments? Are [fol. 101] they installed by some company or firm?

A. We install them ourselves.

Q. I was wondering how you got them there? Are they delivered by the manufacturer?

A. No. In a car, station wagon.

Q. Oh, I see, you drive them there yourself?

A. That's right.

Q. You never had any trouble with the union in that connection, I take it?

A. No.

Q. That is the Teamsters Union?

A. We are just a small concern.

Q. You think you are too small for the Teamsters Union to be concerned with? In any event, you never had any trouble?

A. No.

Q. Now, how much experience in bookkeeping has your wife had?

A. She's had considerable experience. She handled all of the books for three concrete companies at one time.

Q. How long ago was that?

A. That was just prior to Pearl Harbor, for three or four years, I don't recall exactly how long.

Q. She handled the books for three concrete companies all at once?

A. Yes, three different concerns for one company.

Q. I see. Do you also have certified public accountants or licensed public accountants audit your books or check on the work of your wife or does she do it alone?

[fol. 102] A. We haven't had. That can be done at any time that either one of the partners feel that it should be done.

Q. Now, Mr. Regal asked you if you would be patient with us during the course of the trial and I would like to ask you if your business compulsions and functions would in any way prevent you from being patient with us, not only during the course of the trial but in the course of your deliberations? What I want to know is will your business affairs cause you, do you think, to arrive at a conclusion which might not be just the right one just in order to get away?

A. No.

Q. You will be fully patient at that stage as well as during the trial?

A. I can't help but smile. We were on a rather lengthy one quite a while ago and we did not let it interfere with our deliberations.

Q. Now, Mr. Kraatz, you were one of those, I believe, who said that you had heard discussions of this case or of Mr. Beck, is that right?

A. Yes, the usual discussions.

Q. And do you believe that you can try the case or that I can be sure that you will try the case without any reference whatsoever to anything that you might have heard in those discussions?

A. Yes.

Q. And is that also true, Mr. Kraatz, with reference to any of the charges or assertions made in the course of the McClellan Committee Hearings? I think you probably heard some of those?

[fol. 103] **A.** Yes, I have heard snatches.

Q. The same thing would be true?

A. Yes.

Q. Were you or did you observe the proceedings of the McClellan Committee at the time Mr. Beck appeared before the committee?

A. Not in their entirety. I caught snatches and resumes in the news.

Q. I am speaking specifically now of the time that Mr. Beck appeared and as Mr. Ryan said, invoked his privilege under the Fifth Amendment. Did you observe those proceedings?

A. Yes, I saw part of them.

Q. And did you have an opinion concerning the question of whether or not it was right or wrong for him to do so?

A. Oh, he has a right—

Q. And do you feel that way, do you still feel that way, that he has that right?

A. Yes, in that particular case.

Q. In that particular case you think there were specific or special circumstances?

A. Yes.

Q. Mr. Kraatz, do you have any feeling at all that there is an implication of guilt on the part of anyone by the assertion of their right not to testify under the Fifth Amendment?

A. No.

Q. Are you perfectly satisfied in your mind that the fact that Mr. Beck asserted his privilege under the Fifth Amend- [fol. 104] ment has nothing to do with his—is no indication whatsoever concerning his guilt or innocence?

A. No, in this particular case I think he was perfectly right in doing so. I will qualify something. You made a broad statement, there might possibly be an implication of guilt. It is beyond the scope of this particular case but I think there are times when there is an implication.

Q. But in the instance that we were discussing under those circumstances, I think you qualified your answer to my broad question.

A. That's right.

Q. Your answer was that under those circumstances you would not feel that there was any implication of guilt whatsoever that would affect this case?

A. No, no.

Mr. Burdell: Pass Mr. Kraatz for Cause.

[fol. 105] **By Mr. Regal:**

Q. Mrs. Brown, are you employed, Ma'am?

A. No.

Q. Have you ever been employed?

A. Yes, I have.

Q. What kind of work have you done?

A. Secretarial work during the war for the Army.

Q. During the war?

A. And then after I worked—

The Court: Speak a little louder.

A. In about '45 after the war, then I worked for the Wholesale Appliance for a few years.

Q. What company was that?

The Court: Couldn't hear you, Ma'am.

A. Arthur McGee. It is now under a different name.

Q. Was that the same company you worked for as a secretary?

A. It wasn't secretary, it was more or less office work, records and things like that.

Q. Clerk?

A. Yes.

Q. Office clerk?

A. Yes.

Q. Now, your husband does what kind of work, Mrs. Brown?

A. Where does he work, did you say?

Q. Yes, Ma'am.

A. Security Transfer.

Q. Security Transfer?

A. That's right.

Q. Where is that located?

A. Down here on Railroad Avenue, I believe, First and [fol. 106] Railroad, I think it is.

Q. Is he a driver?

A. No, he is the manager of the warehouse there.

Q. Manager of the warehouse?

A. Yes.

Q. Is he a member of the Teamsters' Union?

A. I said before, Teamsters, but I think Warehouse, isn't it Local 174?

Q. Local 174 of the Warehouse & Chauffeurs'—

A. Yes.

Q. But he is a member of 174?

A. I am quite sure.

Q. How long has he been a member of Local 174?

A. He's worked there since the war. He worked before the war and then he was in business for himself for a while and then he went back there.

Q. Over ten years?

A. It would be fifteen or maybe twenty years. I don't really know. It's been quite a long while.

Q. You also answered the Court's question when he asked whether you talked with anyone or heard any talk about the guilt or innocence of the defendant and you raised your hand on that. Was that conversation with your husband?

A. Yes, it was.

Q. Without telling us what it was, would that conversation tend to prejudice you one way or the other in this case?

A. I don't think so. The one reason I did not excuse myself is because I feel I have an open mind until I heard

[fol. 107] the other side. All I have heard is just one side.

Q. You have heard one side?

A. You asked me about the criticism and things and seeing the trial. I didn't see much of it. I saw some on T. V. but I didn't see very much.

Q. Now, this conversation with your husband on this matter, does that necessarily put ideas and preconceived notions in your mind regarding Mr. Beck?

A. No, because I have my own reasoning and my own ideas. I know what he would say, but I have my own ideas. Just because he says I should, that doesn't mean that I would.

Q. The Court also asked you a broad general question regarding if you were in the position of the defendant, the defendant's counsel or in the position of the State's attorney, the prosecuting attorney, you would want twelve people in your frame of mind trying the case if you were in the defendant's position?

A. Yes, I would.

Q. You would?

A. Yes.

Q. You feel that there is no danger at all that you would be prejudiced either against the defendant or against the State?

A. No.

Q. Because of your background and because of your husband being a member of Local 174 which is a Teamster affiliate?

A. That's right.

[fol. 108] Q. Have you ever been a member of a union?

A. Well, a long time ago when I went to college I worked at the Bon and we were—

Q. What union was that?

A. I think that was under the Teamsters, it was so long ago. It was Retail Clerks' and I think—that was quite a while ago.

Q. Did you attend meetings at that time?

A. We did the first one or two, but that was all.

Q. Did anything occur at all during the course of time that you were a retail clerk that would prejudice you against the union?

A. No.

Q. You had no bad experiences?

A. No.

Q. Or no experiences contrary to that that would necessarily prejudice you against the State?

A. No.

Q. Mrs. Brown, do you have any children?

A. No, I don't.

Q. How long have you lived in this area?

A. Where I lived first?

Q. In the Seattle, Washington area, in this state, to start with.

A. I'd say about 1920.

Q. What is your home state, Ma'am?

A. I was born Michigan.

Q. Is that the only two states you have lived in?

A. Wisconsin.

Q. Wisconsin, Michigan and Washington?

[fol. 109] A. I went to school in Wisconsin.

Q. What college did you go to out here?

A. Washington.

Q. Did you take a degree here?

A. Yes, Bachelor of Science.

Q. What?

A. B. S.

Q. In what?

A. Physical education.

Q. Did you ever teach?

A. No, I didn't.

Q. Now, this is your second week of jury duty?

A. That's right.

Q. Beginning of the second week?

A. That's right.

Q. And the first week you did not serve on a jury trying a criminal case?

A. It was a civil case.

Q. Civil case only?

A. Yes.

Mr. Regal: Pass Mrs. Brown for cause, Your Honor.

By Mr. Burdell:

Q. Mrs. Brown, I don't recall whether or not, I don't think Mr. Regal asked you your husband's name. Will you tell me your husband's name?

A. Frank.

Q. And is he a supervisor or superintendent at Security Transfer?

[fol. 110] A. I guess you would call him manager. He is in charge of the drivers, sometimes he might take a truck out, but as a rule he is in the department.

Q. Mrs. Brown, has he been in active union membership in the sense of attending meetings; does he attend meetings regularly or frequently to your knowledge? Meetings of the union?

A. I don't think he does.

Q. You don't recall that he attended any meetings at all with any frequency?

A. No, not that I recall.

Q. I think you said in response to one of Mr. Regal's questions that you wouldn't make up your mind until you heard the other side. Does that mean that you would have received some information which has created some opinion or impression and now you are waiting for me, let's say, the defense, to present the other side or disprove what you have heard?

A. What I had in mind was, as I said, I watched some of the other trial and of course, I didn't get very much information or form any really set idea. That is what I said, that I wouldn't want to say he is guilty or he is not guilty or this and that until I heard the whole side. I haven't heard any of the other side.

Q. Well, when you are speaking of the other trial, are you speaking of these hearings in the McClellan Committee?

A. I didn't hear enough of them, just a few. Five or ten minutes. I really didn't hear very much of them.

Q. Well, from what you did hear, is there any opinion or [fol. 111] feeling in your mind which would require, let's say, the defendant to introduce evidence in order to dispel or overcome?

A. Well, I would say in some of the few questions I have heard that I would say I would want to hear some of the other side.

The Court: I can't hear you, Ma'am.

A. I said I heard a little of the answers.

Q. What you are saying is that you heard the questions and, let's say, the assertions posed by members of the Senate Committee and then you weren't able to hear Mr. Beck's side because Mr. Beck didn't testify, is that what you were saying?

A. Yes.

Q. Now, did the fact that Mr. Beck didn't testify at that time create any opinion in your mind which you still have at the present time? Did it create any prejudice or feeling that he shouldn't have done it, or any bias or any hostile attitude toward him?

A. With relation to this trial, now, you mean, that is coming up?

Q. Yes.

A. No.

Q. Now speaking of your reference to the other side, did the assertions which you personally heard made by someone connected with the committee, did those assertions create any opinion in your mind which now creates a situation where you were expecting the defendant to have to introduce some evidence in order to overcome some opinion which is in your mind?

[fol. 112] A. Well, the reason I brought that up, when the question would be—the question mark—

Q. I will stand over here.

A. More or less of a question mark, you just wonder. You don't know definitely yes or no. Just a question mark. That is why I said I would want to hear the other side before I formed any opinion.

Q. What you are really saying is that you really didn't hear any side, just the question and no answer?

A. Question, and I want to hear—

Q. —the answers?

A. —the answer.

Q. Now, the expression of opinions which your husband has given you or in connection with the discussion with your husband, have you ever expressed any opinion concerning Mr. Beck? That is, any expression of hostility or prejudice of any sort?

A. Well, no, not exactly. I might have said something wasn't done this way or that or what was his idea, but I don't think I came right out and said he is guilty or not. I haven't come to any conclusion.

Q. You mean you have expressed possibly some question as to whether or not the things he has done or been charged with were correct?

A. That's right.

Q. Has there been a doubt in your mind at times from things that you have heard whether or not he has acted correctly at all times?

A. Oh, yes, there's been a doubt.

Q. And do you still have that doubt in connection with [fol. 113] not only this case, but in connection with anything or any act or conduct that you may be familiar with?

A. That's true. There is a doubt, you might hear one side that isn't explained, or there is a reason for something.

Q. Now, does this doubt or this question create a situation under which I am going, as the defendant, I am going to have the burden of explaining to you that whatever he has done has been correct? I mean, are you going to be there as a juror waiting for me to explain and prove to you that what Mr. Beck has done has been correct? Is that the situation that exists now in your mind?

A. Well, I suppose in a roundabout way, yes, if there is a doubt I would want to know.

Q. In other words, that is you have some feeling in your mind that is going to require the defendant to put on some evidence to overcome, is that the situation?

A. Well, evidence, that would be true in anything. You would want a reason.

Q. I mean, is there at the present time; there is a doubt in your mind and you are expecting me to have to put on some evidence to overcome your doubts, is that right?

A. Yes, I want to have an—some idea or—

Mr. Burdell: I don't think the juror is sure that she can be completely impartial, Your Honor. She says that, yes, as a matter of fact I understand her answer to my last question to be yes.

The Court: Mrs. Brown, the Court will excuse you, and thank you for your frank discussion of this matter. The Clerk will call another juror.

[fol. 114] The Clerk: Clara E. Bingham, B-i-n-g-h-a-m, 319 East 55th.

The Court: Mrs. Bingham?

The Juror: Yes.

The Court: You were in the courtroom and sworn with the rest of the jurors this morning?

The Juror: Yes, I was.

The Court: Did you hear the Court's explanation of the case and reading of the indictment and introduction of the parties?

The Juror: Yes, sir.

The Court: Did you hear and understand the questions that the Court asked the jurors?

The Juror: Yes, I did.

The Court: Would you have raised your hand in answer to any of the questions that the Court asked the jurors?

The Juror: Yes, I have heard about the case and at one time I was a member of the Teamsters' Union and I would like to be excused on the ground that it would be an inconvenience because of my family.

The Court: Would you explain to me the inconvenience with respect to your family?

The Juror: Well, I have four small children and leaving them at night for an indefinite period would be an inconvenience to me, as I haven't got a grandmother close at hand.

The Court: What are the ages of your children?

The Juror: The oldest one is four and the youngest one is four months.

[fol. 115] The Court: You may be excused.

The Clerk will please call another juror.

The Clerk: John W. Vawser, 806 Southwest 99th.

The Court: Mr. Vawser, were you in the courtroom and sworn with the rest of the jurors this morning?

The Juror: I was, sir.

The Court: Did you hear the Court's reading of the indictment and the explanation of the case and introduction of the parties and Counsel?

The Juror: Yes, sir.

[fol. 116] The Court: Did you hear and understand the questions that the Court asked the jurors?

The Juror: I did.

The Court: Would you have raised your hand in answer to any of those questions?

The Juror: I believe I would, sir.

The Court: Which one.

The Juror: Well, several of them, because I have read about it and watched it on T. V. and also on radio.

The Court: Any of the other questions with respect to the matters that I asked?

The Juror: Well, just we'll say a little friendly discussion between neighbors or something like that.

The Court: Do you know of any reason from the nature of this case why you could not try this case impartially?

The Juror: No, really I do not, because I will have to wait and hear—

The Court: I can't hear you.

The Juror: Not before I hear both sides of it, because before I would—like on T. V.—we only got the questions, no answers, so that would be beside the point here.

The Court: Gentlemen, you may inquire.

By Mr. Begal:

Q. Mr. Vawser, there were some general questions that we directed to the jury. The Court has already asked you about the ones he directed. Now, did you hear the questions that I asked whether or not any member of the jury in the box had ever been involved in a criminal matter in any way, either the victim or as a witness?

A. I heard you.

Q. What is your answer to that, sir?

A. No.

Q. Nothing at all in your background that you recall?

A. No, sir.

Q. All right. And do you know any of the witnesses from

the list that the Court read or the list that I read? Do you know them personally?

A. No, not personally.

Q. You heard of some of them?

A. Just heard the name, you might say, that is all.

Q. Do you carry any prejudice in your mind on any of those people?

A. No, I don't.

Q. And you heard the list of attorneys that are associated in one way or another with Mr. Burdell and do you know any of those personally?

A. No.

Q. Do you know Mr. Carroll, the prosecuting attorney, seated at the left?

A. No, I have heard his name.

Q. Do you know any of his deputies, Mr. Smith or myself or any of the other deputies working for Mr. Carroll?

A. No.

Q. You haven't had any occasion to come in contact with the prosecuting attorney's office for any reason?

A. No, I haven't, sir.

[fol. 118] Q. Now, are you married, Mr. Vawser?

A. Yes, sir.

Q. And is your wife employed?

A. No.

Q. What kind of work do you do?

A. I work for King County Housing, White Center Heights.

Q. King County Housing?

A. Yes, sir.

Q. And what kind of work do you do for them?

A. Well, I will put it this way, I just do light work around, hanging shades and we make—

Q. Maintenance work, is that right?

A. Light maintenance work.

Q. How long have you been employed at that?

A. Well, I started with them in '45 but I lost fourteen months on account of heart trouble; you see, I had had heart trouble in '54.

Q. Is your health all right, sir?

A. I have just got to watch my diet and just take it fairly easy. As far as getting out and walking up a hill, that is out of the question.

Q. This is your second or fourth week on jury duty?

A. Fourth week.

Q. Is there any reason that you feel you could not serve on a jury in a case like this; healthwise, that is being held together for a week or ten days or more?

A. No, I don't know as there would be.

Q. Is there any medication that you require?

A. Well, I take pills right along, every day, as far as that goes.

[fol. 119] Q. For your heart condition?

A. Well, I have some for my heart and some for nerves.

Q. Now, do you feel that it would be difficult for you to serve on this case or will you be all right physically?

A. Well, I will put it this way. It is really hard to tell, sir, there because as far as that goes, I have felt pretty good up until a week or two ago and then I really had a spell of it and I went down and had a cardiogram because I felt pains in my chest. It just was from hanging window shades for three days. I held my arms up and that is what gives me the pains.

Q. Do you feel this might be a hardship on you being held together for a number of hours sitting each day and being held together at night?

A. Well, at night it would be because I require quite a little rest, evenings that way.

Mr. Regal: I think, Your Honor, Mr. Vawser should be excused.

The Court: You may be excused. The Clerk will call another juror.

The Clerk: Calvin P. Wallace, W-a-l-l-a-c-e, 316 30th Avenue.

[fol. 120] CALVIN P. WALLACE, 316 30th Ave. (whereupon, promising to true answer make to questions propounded to him touching upon his qualifications to act as juror, was duly sworn).

Voir dire examination.

By the Court:

Q. Mr. Wallace, were you in court and sworn with the rest of the jurors today?

A. Yes, sir.

Q. Did you hear the Court's general short explanation of the case and the introduction of the parties and their counsel?

A. Yes, sir.

Q. Did you hear and understand the questions that the Court asked the jurors in the box?

A. Yes, sir.

Q. Would the answers to any of those questions that the Court asked, would you have raised your hand?

A. Yes, sir.

Q. Which one?

A. The first one.

Q. That you had heard of this case before?

A. Yes, sir.

Q. Any of the other questions?

A. No, sir.

Q. Is there anything about the nature of this case or any reason whatsoever why you cannot try this case impartially?

A. No, sir.

[fol. 121] The Court: Gentlemen, you may inquire.

Voir dire examination.

By Mr. Regal:

Q. Mr. Wallace, what is your business, sir?

A. Aircraft engineer.

Q. Aircraft engineer?

A. Yes, sir.

Q. And are you married, sir?

A. Yea, sir.

Q. Is your wife employed?

A. No, sir.

Q. Has she ever been employed?

A. Yea, sir.

Q. What kind of work has she done?

A. Telephone operator.

Q. And how long was she employed at that?

A. Oh, about two years.

Q. Do you have any children?

A. Yea, sir.

Q. How many children?

A. One.

Q. How old?

A. Four months.

Q. You are an aircraft engineer for what company?

A. Boeing's.

Q. How long have you been there?

A. Nine years.

Q. Is Seattle, Washington your home city?

A. No, sir.

[fol. 122] Q. Where were you born, sir?

A. Bethlehem, Pennsylvania.

Q. Is Pennsylvania and Washington the two states you have lived in or have you lived elsewhere?

A. Those are the only two states.

Q. When did you come out here?

A. 1948.

Q. '38?

A. '48.

Q. '48, and were you in the service?

A. No, sir.

Q. Did you work at something else back in Pennsylvania?

A. I did a little construction work.

Q. Did you ever belong to any union?

A. No, sir.

Q. In their aircraft engineering at Boeing, that is not union, is it?

A. No, sir.

Q. Where were you educated—in Pennsylvania?

A. Yea, sir.

Q. What schooling have you had?

A. Oh, Pennsylvania State University.

Q. What degree did you take from there, or did you?

A. Yea.

Q. What degree, sir?

A. Engineering.

Q. Civil or what kind.

A. Civil.

Q. Civil. When did you graduate?

A. 1948.

[fol. 123] **Q.** '48?

A. Yea, sir.

Q. Now I asked a general question of the jurors as to whether or not any member of their family, any close friend or relative, had ever been involved in any way in a criminal matter. Would your answer be the same on that—

A. Yea.

Q. There is nothing at all in your recollection where you have been victimized or you have been a witness or anything of that kind?

A. No, sir.

Q. And do you know Mr. Burdell or any of his associates, either in this case or in his office?

A. No, sir.

Q. You know none of the attorneys?

A. No, sir.

Q. Do you know Mr. Carroll or any of his deputies?

A. No, sir.

Q. Do you know any of the witnesses that we have read their names off, personally that is?

A. No, sir.

Q. Have you heard of some of them?

A. I have heard of some of them.

Q. Have you any prejudice against any of those that you have heard of?

A. No, sir.

Q. You would not accept the testimony of those witnesses any more readily than you would any other person's testi-

mony and on the other hand you would not discredit it [fol. 124] any more readily, would you?

A. No, sir.

Q. Your feeling is sort of neutral as far as they are concerned?

A. That's right.

Mr. Regal: Pass Mr. Wallace for cause, Your Honor.

The Court: Excuse me, Mr. Burdell, it is one minute to 4:00. It is time for the evening recess. Ladies and gentlemen of the jury, those in the box and those remaining in the courtroom, I repeat my instructions to you with respect to conversing among yourselves or with any other person with respect to any other matter connected with this particular case, directly or indirectly, with the exception that you may be permitted to make preliminary arrangements in the event that you may be selected for service on this jury. If in those preliminary arrangements you will be making it will be necessary to mention this case, you may do so. The extent of time, as I have repeated before, the Court is unable to say, but it is within reasonable limits. Other than that I advise you and instruct you not to read, hear or listen or talk about this matter with any person or amongst yourselves until you have been excused from the case entirely.

You may now be excused for the evening recess to return in time for court session at 9:30 tomorrow morning.

(Jury leaves jury box.)

The Court: Court now stands adjourned until 9:30 A.M. tomorrow.

(Court adjourned to 9:30 a.m.)

[fol. 125]

Morning Session

December 3, 1957

9:30 o'clock A. M.

All parties present.

(The following occurred in Chambers.)

Mr. Burdell: Can I put this on the record?

The Court: You may.

Mr. Burdell: I would like to request the Court to ask the general question of the jurors this morning whether or not any of them read newspaper reports concerning this case overnight or heard radio or television reports and if any of them indicate that they did, including those that have been passed, I would like an opportunity to ask one or two questions or perhaps more concerning what they read and whether or not it had any effect. Then in addition, there is one general question that probably should have been asked yesterday. That I could ask individually as I go along but I think it would save time if the Court would ask it generally or permit me to do so and this I think is a question which probably should be asked of the two that have been passed for cause even though I did pass them for cause, because there may be some problem. There was a case which we referred to in the Beck, Jr. case, the case here several weeks ago in which two or three union members brought suit against a George Cavano who is the secretary-treasurer of Local 174, and it was a slander [fol. 126] suit, I guess, sued him for calling him a Communist and I think we should be sure no jurors served on that case.

The Court: Your position on both of those questions, Mr. Regal?

Mr. Regal: I have no objection on either one of them, Your Honor.

The Court: I will ask the first one, Mr. Burdell, and ask that you would ask the second one as a general question.

Mr. Burdell: I will, yes. Then I have one further suggestion. I noticed that Mrs. Marshall is in the courtroom and I wonder if it would not be appropriate for the Court to talk to Mrs. Marshall and I would suggest the Court doing it in my absence and Mr. Regal's absence or in our presence, either way, but I think the Court should probably ask her, advise her that she should not discuss this case or the previous case with any one of the prospective jurors during recess.

Mr. Regal: I would rather have the Bailiff do that. I think it would be very embarrassing to her. I have talked to her and, you know, just discussed things with her and talked to her generally about nothing particular and asked her to be sure not to discuss this case with anybody while she has been in the courtroom. She already has been admonished as far as I am concerned, but I would like to have the Bailiff do it, if Charlie has no objection to it.

Mr. Burdell: I don't have any objection to anyone doing it, I just think it should be done in such a manner that we can be reasonably sure that she is going to comply with [fol. 127] it.

Mr. Regal: You and I could do it. We could tell her to be sure not to say anything to anybody and not to discuss the other case and so on.

Mr. Burdell: Well, I think—

The Court: She apparently spoke to the Bailiff last night. I was sitting in here and saw her up there. She had been confined—they had the relationship of knowing each other and I think that it would not be embarrassing for me to tell her that. I will do it. It is better coming from the Court. That will be granted.

Mr. Burdell: I have one further thing with respect to Juror No. 3. I have the feeling that perhaps some of the answers that that juror gave to some of my questions were inaccurate. I don't have any questions which I want to ask of him at this point which would lead me now to interpose any challenge or withdraw my passing him for cause, but I would like to ask him what year it was that he left the Crescent Manufacturing Company. Now, that question may have been asked directly and if it is—

Mr. Regal: That is Juror No. 4.

Mr. Burdell: Yes, Mr. Kraatz, No. 4.

The Court: What year he left?

Mr. Burdell: The Crescent Manufacturing Company.

The Court: Anything else?

Mr. Burdell: That is the only request.

Mr. Regal: I have no objection to any of those requests, Your Honor.

[fol. 128] The Court: That will be granted. Anything else, gentlemen?

Mr. Burdell: Nothing from me.

The Court: The Bailiff has indicated that one of the jurors, Mrs. Cooke, wanted to talk to me in Chambers. I will have the Court Reporter remain for this discussion.

(The attorneys left Chambers. Mrs. Cooke was questioned by the Court as follows:)

Q. How do you do?

A. I appreciate this.

Q. This lady is taking this down.

A. It is embarrassing to say that I am in the early stages of being pregnant and yesterday after all the excitement I had a little trouble, and under the circumstances I wonder if I could not be excused. I did not think it would bother me, but apparently the strain was more than I thought.

Q. Well, it is a nervous situation, but I think you are wise to advise me of it because if there is no reason—

A. Well, I didn't want—

Q. —to trouble you this way.

A. —I didn't want to get away from my civic duties, I didn't think it would make any difference. Apparently it did to my sister more than it did me.

Q. I will go out and I will make a general remark that you have talked to me in Chambers for the record and I have for personal reasons, which you expressed to me, decided it seems wise to excuse you and that is all.

A. All right, thank you very much, sir.

[fol. 129] (The following occurred in open court in the presence of the jury:)

The Court: Prior to court session this morning, with consent of Counsel obtained in Chambers, the Court hon-

ored the request of Mrs. Cooke to explain to the Court some personal health reasons for inability to serve as a juror and the Court did make a record of same, heard the reasons and does consider them sufficient. The Court will now excuse Mrs. Cooke. Thank you for your attendance. The Clerk will please call another juror for Mrs. Cooke's position, No. 2.

The Clerk: Eleanor J. Eaken, 320 Western Avenue, Auburn.

The Court: Ladies and gentlemen of the jury, the Court would like to ask you one general question for you to answer by raising your hands and this is the question, whether or not any of you inadvertently or otherwise over the night recess discussed the matter with anyone or anyone discussed it with you inadvertently, read any newspapers, heard the T. V. or radio with respect to this case or matters connected with this case. If so, please raise your hand? That is 4, 6, 7, 9, 10, 11. Now, I would like to ask you with respect to that matter, how many of you only discussed the matter with reference to the exception the Court made in its instructions concerning making arrangements for you if you possibly were selected on this jury to be confined. Will you please raise your hand? No. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11. One further [fol. 130] question on that same matter, from what has occurred over the recess overnight, has there been anything in connection with what you heard or said to you, or read that has left an impression in your mind this morning that would in any way change the answers to the questions made yesterday? Is there any reason now present why you could not try this case impartially?

Mr. Regal: Your Honor, may the record indicate there was no response to either question.

The Court: Correct, there was no response. Mr. Burdell, you have a question to ask, one general question of the panel, concerning a previous suit. Will you pose it at this time, please?

Mr. Burdell: Yes, Your Honor, I will. Thank you. Ladies and gentlemen, some weeks ago, I think during your term of service, there was a civil suit in this court,

not in this room, not in this courtroom, but in the courthouse, in which some members of one of the Teamsters' Union sued a Teamster official for, I think it was, a suit for slander and the allegation was that the Teamster official had referred to the plaintiff as Communist, and I would like to know if any one of you served on that case or were called as prospective jurors on that case. If you were or if you did, will you please raise your hand?

The Court: No hands were raised. Is it Miss or Mrs. Eaken?

The Juror: Mrs.

The Court: Were you in court yesterday and sworn with the rest of the jurors, Mrs. Eaken?

[fol. 131] The Juror: Yes, I was.

The Court: Did you hear the Court's reading of the indictment and the general explanation of the case?

The Juror: Yes, I did.

The Court: And introduction of the parties and Counsel?

The Juror: Yes.

The Court: Did you hear and understand and now remember the questions that the Court asked the jury and that is the Court—

The Juror: Yes, I believe I do.

The Court: Would you have answered any of those questions by raising your hand?

The Juror: Yes, the first one.

The Court: As to having heard of the case before?

The Juror: Yes.

The Court: Any of the other questions?

The Juror: Not that I remember, no.

The Court: Is there any reason according to the nature of this case, the kind of case it is, why you could not start into the trial without any bias or prejudice?

The Juror: No, sir, no.

The Court: Do you know of any reasons from all that you have heard here in the courtroom so far why you could not serve as a fair and impartial juror?

The Juror: No, sir, I would judge the merits of the case.

Mr. Regal: I did not hear the answer to the last question. [fol. 132]

The Court: Repeat it, Miss Reporter.

The Reporter: "No, sir, I would judge the merits of the case."

The Court: Mr. Burdell, if you wish at this time you may examine the Jurors 1, 2, 3, if they answered in response to the first question this morning concerning reading and the matters between last night's recess and this morning.

Mr. Burdell: Your Honor, my record or my notes may be incorrect, but they do not show that those were the jurors who answered that question in the affirmative. Would the Court mind asking the question again?

The Court: I was including in my remarks just now all jurors and I relied on you to keep track of the ones that answered the question. I am sure you have it right and you may ask it. I did not imply that the numbers I gave—

Mr. Burdell: I understand that and the first one I have indicated as having read or heard something inadvertently over the night was Mr. Kraatz. Am I right? Did you answer that in the affirmative, Mr. Kraatz?

The Juror: Yes, sir.

Mr. Burdell: And may I ask if that was a radio or television broadcast or—

The Juror: It was television.

Mr. Burdell: You read no newspaper articles about it?

The Juror: No.

Mr. Burdell: I just have one question of you, Mr. Kraatz, [fol. 133] then, which is along the lines I discussed this morning.

The Court: You may pose it.

Mr. Burdell: I would like to ask you when it was that you left Crescent Manufacturing Company. I did not get that in my notes.

The Juror: 1950.

Mr. Burdell: In 1950? All right. Thank you. Now, I have an indication here that Mr. Vukich—

The Juror: Yes, that's right.

Mr. Burdell: Were you one of those that indicated you had read or heard some report about the case?

The Juror: Yes.

Mr. Burdell: Was that newspaper, television or radio?

The Juror: Television.

Mr. Burdell: Did you have any discussion of any sort with anyone about it aside from that and aside from the discussion which the Court indicated you should probably make in connection with arranging for staying overnight?

The Juror: No, no other discussions, no.

Mr. Regal: Your Honor, I suggest Mr. Burdell could continue.

Mr. Burdell: I think that's right. Just to be sure, Mrs. Degering, you are not one of those that indicated you had heard or read anything about the case?

The Juror: No, I just mentioned to my husband I did not know how it would be about staying overnight.

[fol. 134] Mr. Burdell: How about you, Mr. Ryan?

The Juror: I didn't even read the newspaper last night.

Mr. Burdell: All right, thank you. I think I can get to the others later.

The Court: Yes.

[fol. 135]

Morning Session

December 5, 1957

9:30 o'clock A. M.

The Court: We will now resume examination of Mr. Wallace specifically as to qualifications on the jury by Mr. Burdell.

Voir dire/examination.

By Mr. Burdell:

Q. Mr. Wallace, did you come out here from—you attended school at Penn State, did you say?

A. Yes.

Q. Lafayette, Pennsylvania? Or someplace—

A. State College of Pennsylvania.

Q. State College. Did you come out here in 1948 just as soon as you finished—got your degree?

A. Yes.

Q. And went to work for Boeing right away?

A. Yes, I did.

Q. Now, Mr. Wallace, have you heard or seen television reports concerning the McClellan Committee hearing which took place last summer in Washington?

A. I heard about them, yes.

Q. Did you observe or see any of them?

A. No, I didn't.

Q. Have you had any discussion, Mr. Wallace, with any of your fellow employees or friends or relatives during the course of which any hostile statements were made towards [fol. 136] Mr. Beck?

A. No, sir.

Q. You had no such discussion or heard no such discussion?

A. I heard some discussions.

Q. And where did those take place?

A. A long time ago.

Q. You don't remember where they took place? Were they discussions with friends or with relatives?

A. Well, they were discussions that I participated in. Just discussions I heard other people talking about.

Q. And you are quite sure, to the best of your recollection, you don't recall having participated in any such discussion yourself?

A. No, sir.

Q. What about newspaper reports? Have you read a number of newspaper reports or magazine reports concerning charges or assertions made against Mr. Beck?

A. I have.

Q. And that would include magazine reports?

A. Yes, sir.

Q. Can you recall what magazine reports or what magazine specifically?

A. Time Magazine.

Q. Do you read Time Magazine regularly?

A. Yes, sir.

Q. And have you read any reports concerning the case which took place here some few days ago involving Mr. Beck's son, Mr. Beck, Jr.?

A. I think I read the results of the case in the newspapers.

The Court: Just a little louder, please.

[fol. 137] The Juror: I read the results of the case in the newspaper.

The Court: Thank you.

Q. Now, Mr. Wallace, do you have any understanding or feeling in that case, that is the case involving Mr. Beck's son, as connected with this case in any manner which would affect your consideration in this particular case, the one we have now?

A. No, sir.

Q. Your understanding is that there is no connection between the two cases? Is that what your understanding is?

A. Yes, that's right.

Q. As I understand it, you don't belong to any union at Boeing's, is that correct?

A. That's correct.

Q. How long have you been on the jury, Mr. Wallace?

A. This is my second week.

Q. And before you began to serve on the jury, did you receive any instructions of any sort from anyone at Boeing's concerning your jury service or how it should be conducted or what your duties as a juror should be?

A. No, sir.

Q. In connection with these articles that you have read in Time Magazine, Mr. Wallace, have you regarded some of them or any of them as indicating a resentment or prejudice or bias toward Mr. Beck?

A. No, sir.

Q. You mean you understand or you interpreted those articles as being—as not including any hostile statements [fol. 138] toward Mr. Beck?

A. I don't recall right now.

Q. Well, do you think anything that you have read, newspapers or magazines, would be or could be interpreted

by you as a hostile or prejudicial or biased statement toward Mr. Beck or a statement indicating some alleged misconduct or claim of misconduct on his part?

A. No, sir.

Q. None of the articles that you read had any such indication to your mind, is that right?

A. I don't recall them, sir.

[fol. 139] Q. Don't you recall the content or the subject matter or what was said in any of the articles which you read?

A. Well, it has been some time ago.

Q. I take it you don't read—did you say you read Time Magazine regularly?

A. Yes, I do.

Q. And do you read the news reports in it?— In that magazine?

A. Well, I sometimes do—but sometimes I don't. Just—

Q. You usually start at the back at the movie section?

A. Yes.

Q. But as far as you can recall then, of all the things you have read, as I understand it, you don't recall any statement having been made asserting that Mr. Beck had allegedly committed any wrongful act, is that a correct statement?

A. That's correct.

Mr. Burdell: I will pass the juror for cause.

[fol. 140] The Court: The prosecution Counsel may examine specifically Mrs. Eaken, No. 2.

Mr. Regal: Well, Your Honor, may I ask the same question that I asked generally of the jurors who were in the back at the outset?

The Court: Yes.

Mr. Regal: Regarding a couple of matters.

By Mr. Regal:

Q. Mrs. Eaken, have you or any member of your family or any close friend ever been involved in any way in a criminal case?

A. No.

Q. Do you know any Counsel here or any of their associates either prosecution or defense?

A. No.

Q. And I will ask, did you hear my general questions, and would your answers be the same?

A. Right.

Q. Now, are you employed, Mrs. Eaken?

A. No, I'm not.

Q. Have you ever been employed?

A. Yes, for a short time during the war I worked for the Office of Postal Censorship here in Seattle.

Q. That is a Federal organization?

A. Yes.

Q. And there was no labor union connected with that?

A. No.

Q. What does your husband do?

A. He is a manufacturer's representative.

Q. What company?

[fol. 141] A. Riteway Manufacturing Company.

Q. What do they make?

A. Stoves.

Q. Stoves?

A. Yes.

Q. How long has he been with that company?

A. This particular company, a year.

Q. How long has he been in the manufacturing representative business?

A. About eight years.

Q. And what did he do before that?

A. Before that he managed—he has had several managerial jobs, managed Superior Motor Freight for about a year.

Q. How long ago was that?

A. About nine years ago and then previous to that, about three years before that I would say, he managed System Motors.

Q. A transfer business?

A. In Tacoma. And then they were bought out by West Coast and he continued there for two or three years and prior to that he was a line haul driver between Sumner and Portland for five years and he drove between Seattle

and Los Angeles. I would say about ten years previous to this work he was a Teamster and worked—

Q. While he was manager of these various—

A. —freight companies.

Q. —freight companies, was he a Teamster then, too?

A. I don't remember.

Q. But he was a Teamster for a period of time around eight or ten years ago?

[fol. 142] A. Yes.

Q. Have you had discussions with him regarding your service on this jury?

A. I just told him—I checked to see if it would be all right.

Q. Have you ever had any discussion regarding this case or the defendant?

A. It hasn't been of any real interest to me.

Q. And it hasn't been to him, as far as you know?

A. No.

Q. Made any remarks to you that would tend to influence you here one way or the other?

A. No.

Q. He has not been a member of any union now in this business he is in?

A. No.

Q. During the time that he was a Teamster, were you married to him then?

A. Yes.

Q. And did anything occur during that period of time with his relationship with the union that would tend to upset you or influence you at all?

A. No.

Q. Do you have a good recollection of that period of time?

A. Yes.

Q. What I am driving at is, during the middle of the trial I don't want you to all of a sudden remember something that will influence you.

A. No.

Q. And if you do remember something you will be able [fol. 143] to put it out of your mind and base your judgment entirely on the evidence from this witness stand?

A. That's right.

Q. Now, do you have any children?

A. Yes, I have a boy 17 and a boy 11.

Q. And the boy 17 is in school?

A. He is a senior in high school.

Q. Does he do any work?

A. Yes.

Q. What kind of work does he do?

A. He is an apprentice to an upholsterer. He does car upholstery.

Q. Does he belong to a union?

A. No.

Q. And a boy 11, too?

A. Yes.

Q. Were you born in this part of the country?

A. I was born in the same town I am living in.

Q. How about Mr. Eaken?

A. He was born in Kansas City, Missouri, I believe, or Kansas City, Kansas, I am not sure.

Q. He came out here?

A. About nine, when he was about nine, to the West.

Q. He is a native, too, of this city?

A. Yes.

Q. And was he in the Service?

A. No.

Q. You served on jury duty before, Mrs. Eaken?

A. Yes.

Q. This is your second week?

[fol. 144] A. Third week—fourth week.

Q. Have you served on a jury trying a criminal case?

A. No.

Q. This is the first criminal case that you have been called on?

A. Yes.

Mr. Regal: Pass Mrs. Eaken for cause, Your Honor.

By Mr. Burdell:

Q. Mrs. Eaken, will you tell me what your husband's first name is?

A. Glen, one N.

Q. And as I understand it, during the period when he was working for System Transfer, he was in a managerial and superintendent capacity?

A. Yes.

Q. Do you know whether or not during that period of time he handled any collective bargaining agreement or did negotiating for any of the employees of that company?

A. I would not know that, sir. If there was, there apparently was nothing in my mind about it to indicate it.

Q. Where did he work just before he became the manufacturer's representative, was it at System then, or did I miss something?

A. He was a salesman for Packard Bell just previous to that.

Q. I just want to be sure of this, he had no reason for leaving the trucking industry which in any way was connected with labor?

[fol. 145] **A.** Oh, no, no.

Q. Now, I heard you say that you would judge the case or judge this case on the merits of the case. I sort of gathered by that that you have heard other things about either Mr. Beck or about the case which you feel you will have to put aside in order to decide this case on its merits. Am I correct about that?

A. No, I wouldn't say that. I have never been particularly interested in just reading news of this type of thing and I have heard you question the other jurors as to watching the T. V. when this previous thing was on the air, and I wasn't the least bit interested and never turned that on. I don't have my T. V. on in the afternoons and I just haven't been—I would say truly that I know nothing about this.

Q. All right. Let me ask you one more question, then. Do you recall whether or not when your husband was a member of the Teamsters' Union he attended meetings, whether he was an active member in anything?

A. I don't remember that, no. I wouldn't think that he was. I wouldn't think that he was.

Q. You don't recall his attending meetings frequently?

A. No.

Mr. Burdell: Pass this juror.

The Court: The State may examine Mr. Vukich.

By Mr. Regal:

Q. Mr. Vukich,—

A. Yes, sir.

Q. What is your employment?

A. Associated with Seattle-First National Bank.

[fol. 146] Q. You would know Mr. Lake?

A. Yes, sir.

Q. And Mr. Hepper?

A. Yes, sir.

Q. What is your work with Seattle-First National Bank?

A. I am the manager of the installment loan department, University Branch.

Q. How long have you been with the bank?

A. Seven and a half years.

Q. And what work did you do before that?

A. I worked for approximately nine months with the Commercial Investment Trust.

Q. And prior to that, sir?

A. I was in school.

Q. University of Washington?

A. University of Idaho.

Q. And did you take a degree from that university?

A. No, sir.

Q. What course did you take?

A. Merchandising and advertising.

Q. And how far through school did you go, how many years?

A. I took four and a half years of college.

Q. Mr. Vukich, the fact that you know of Mr. Lake and—have you ever met him?

A. No, sir.

Q. But you do know Mr. Hepper, one of the witnesses that I listed here?

A. Yes, I do.

Q. Know him personally?

A. Yes, on a social basis, bowling team.

[fol. 147] Q. Would you be more apt to accept his testimony, although I don't know whether it is going to be controverted at all, more readily than you would any other witness merely because of your frequent association with him?

A. Oh, I don't think I have any doubt as to the reliability of it, knowing the man's position.

Q. Do you feel the same about Mr. Lake?

A. Yes, sir.

Q. Would you feel the same about any witness who has equal responsibility in an organization that is equally well known?

A. Yes, I believe so.

Q. In other words, you would balance it and if there was some discrepancy in witnesses of equal position and equal types of business, then you would have to as a juror decide which of them were more accurate in their testimony?

A. Yes.

Q. So my original question, you would not give Mr. Lake any more weight, you would not give more weight to Mr. Lake's testimony than any comptroller of any bank of a like nature in this area or any other area?

A. That's right.

Q. And you would not give Mr. Hepper's testimony any greater weight than you would people in like positions in like organizations, would you?

A. That's right.

Q. In other words, when you say what you do, you assume because of their position in society and position in the community that they are probably reliable?

[fol. 148] A. That's right.

Q. Now, are you married, Mr. Vukich?

A. Yes, I am.

Q. Does your wife work?

A. Part-time.

Q. What does she do?

A. She is an instructor for Cooperative Play Group, instructing small children prior to kindergarten.

Q. Sort of a preschool?

A. Right.

Q. Where is that located?

A. Richmond Beach.

Q. Is there a name of the school?

A. Actually it is just a meeting that takes place in the basement of a church out there, a bunch of the mothers got together and organized the group.

Q. Sort of teaching the kids to get along with one another?

A. That's right.

Q. Before they go to school? How long has she been doing that?

A. Approximately two years.

Q. Has she worked any place else before?

A. She worked for a short period of time back in 1950 for an advertising firm.

Q. What kind of work did she do there?

A. It was office work.

Q. Did she belong to a labor union at that time?

A. No, sir.

Q. In your banking work you don't belong to a labor union?

A. No.

[fol. 149] Q. And have you ever?

A. I think I have in the past, but it's been several years ago, I think shortly before Pearl Harbor or—I was working for a shipyard here and I think I had a temporary permit in regard to my work as an electrician helper in the shipyard.

Q. But your recollection is weak enough that in the case you weren't a regular—

A. I did not attend meetings or anything of that nature.

Q. And is this your home city?

A. No, I was born and raised in Spokane.

Q. And is Spokane the only other city that you have lived in other than Seattle for any period of time?

A. Except during my service.

Q. Yes, and your wife, was she born in this area?

A. No, she was born in Idaho.

Q. Is this her second place of residence, or has she lived elsewhere that you know of?

A. She has lived in Utah and other than that, I don't recall any other state she has lived in.

Q. Have you served on a jury trying a criminal case before?

A. No, I have not.

Q. And you have served on civil cases?

A. Yes, sir.

Q. This is your second or fourth week?

A. This is my fourth week.

Mr. Regal: Pass Mr. Vukich for cause, Your Honor.

[fol. 150] By Mr. Burdell:

Q. Mr. Vukich, just a question or two about your relationship with Mr. Lake and Mr. Hepper. I understand that you feel that because of their position in the bank you would feel that their testimony was, let's say, presumptively reliable, is that about what your feeling is?

A. That's right.

Q. Well, would you say—this is your fourth week?

A. Yes, sir, this is my fourth week.

Q. You wouldn't have a feeling that because they were called by the State in this case, that is as a State's witness, that by virtue of that fact these men who you feel to be reliable or representative of your bank, are thereby—you wouldn't have any feeling about the case one way or another, you wouldn't be under that impression, would you?

A. No, I think I can keep it in its proper perspective as far as their testimony is concerned.

Q. I am not sure I made myself clear; would you understand that when they were testifying they were probably testifying pursuant to subpoena and whether or not they were called by the State or by the defense, that in itself would not indicate that they had any feeling in favor of the State, if they testified for the State, or the defense if they testified for the defense. Do you understand what I mean?

A. Yes.

Q. And I guess your answer is that that would not affect you?

[fol. 151] A. That's right, sir.

Q. In other words, if they were subpoenaed you would give reliability to their testimony whether or not they testified for the State or for the defendant, either way?

A. That's right.

Q. And because they happen to testify for the State, you would not let that lead you to believe that they wanted the State to win the case?

A. No, sir.

Q. Now, I assume or I understand that you heard expressions of opinion about this case?

A. Yes, sir, in a general conversation.

Q. Were those expressions made, were they part of discussions at your work or with friends or with relatives or where?

A. It was intermixed; part of it was at work and part—

The Court: A little louder, please, sir.

A. It was intermixed; I heard discussions at work and in social conversations among our friends.

Q. Now, let's take discussions at work. Did those discussions include statements of a hostile nature toward Mr. Beck or statements resenting him in some way?

A. Oh, I believe there were some indifferent attitudes in some of those discussions.

Q. When you say "indifferent", do you mean there were some hostile—

A. Yes, sir.

Q. Were there any of a favorable context?

A. Yes.

Q. Did you participate in any of these discussions either [fol. 152] at work or among your friends?

A. In a limited nature, I believe, in the discussions—

Q. What were the nature of your expressions? Were they, insofar as they might bear on your present state of mind toward Mr. Beck?

A. I think they were of a rather neutral nature. I mean, I did not express myself one way or the other about it.

Q. That would be true either at work or among your friends or relatives?

A. Yes, sir, because during the course of most of them I was serving on jury service and I feel it improper to express an opinion.

Q. Now, I assume, Mr. Vukich, that you—I would think you indicated in your answers to the general questions, I guess perhaps it wasn't asked you, but I assume you did to a certain degree follow the proceedings of the McClellan Committee which took place last summer?

A. Yes, sir, I did.

Q. And did you watch it on television?

A. A portion of it.

Q. And did you observe the hearing on the date upon which Mr. Beck appeared?

A. Yes, I did.

Q. And now, what impression or opinion do you have at the present time concerning the exercise by Mr. Beck of his privilege of invoking the Fifth Amendment of the Constitution?

A. Well, at the present time I feel that it was his privilege, although at the time I had more or less an indifferent attitude towards it.

[fol. 153] Q. I sort of gathered when you say—used the word “indifferent,” you mean a feeling of impropriety or feeling that it was improper?

A. We will say unhelpful, perhaps more could have been accomplished if he had not taken his privilege.

Q. And now at the present time, what is your attitude about it?

A. Well, I feel at the present time that he was acting upon the advice of his counsel in the circumstances, and did what he did—

Q. Now, in view of the fact he was acting upon the advice of his Counsel, do you feel in any way that the exercise of that privilege in any degree was an indication by himself or by his Counsel at that time of any guilt on his part?

A. Well, I didn't feel that he was on trial during the time, it was just more or less a committee taken to study certain problems. I did not feel he was on trial and they were looking for some answers and it was his prerogative if he did not want to answer them.

Q. But insofar as his refusal to testify might affect a trial, a situation in which he is on trial, do you have any feeling at all in your mind concerning the effect upon you

of the fact that he asserted his constitutional privilege last summer particularly insofar as whether or not you have any feeling whatsoever that the assertion of that privilege might be an indication of his guilt in this case?

A. No, I feel in a case of this nature that a man is innocent until proven guilty.

[fol. 154] Q. Did you say you had not served on any criminal cases before?

A. Yes, sir.

Q. What was your education, Mr. Vukich?

A. I attended the University of Idaho and the University of Washington.

Mr. Burdell: I will pass this juror.

[fol. 155] FRED T. WOOD, 2360 East 125th (whereupon, promising to true answer make to questions propounded to him touching upon his qualifications to act as juror, was duly sworn).

Voir dire examination.

By Mr. Regal:

Q. Is it Mr. Wood or Woods?

A. Wood.

Q. And your occupation, Mr. Wood?

A. Boeing Airplane Company.

Q. And what do you do there?

A. Tool maker.

Q. What kind of work?

A. Tool maker.

Q. Tool maker?

A. Tool maker and supervisor.

Q. Tool maker and supervisor?

A. Yes.

Q. How long have you been at Boeing's?

A. Over fifteen years.

Q. And you have been a tool maker for how long, sir?

A. Ever since I have been there.

Q. What did you do before that?

A. I worked for Rock Island Pacific Railway. Rock Island and Pacific Railway Company.

Q. How long did you work for them?

A. Approximately ten years.

Q. And what work did you do for them?

A. Bridge builder.

Q. Bridge?

[fol. 156] A. Bridge builder.

Q. Bridge builder?

A. Yes.

Q. What sort of work is a bridge builder? Is that heavy structural work?

A. Heavy structural work on bridges, steel bridges, wood bridges—

Q. And did you have work before that of some nature?

A. Well, only on the farm.

Q. On the farm?

A. Yes.

Q. And where was that, sir?

A. Oklahoma.

Q. Is Oklahoma your home state?

A. Yes.

Q. Where you were born?

A. No, I was born in New Mexico.

Q. And then moved to Oklahoma and worked on a farm. And where did you work for the Rock Island?

A. Southern Division.

Q. Where is that?

A. Dallas, Texas to Kansas, all branches in between.

Q. And are you married, Mr. Wood?

A. Yes.

Q. Do you have any children?

A. One.

Q. How old is the child?

A. Seventeen years old.

Q. Does he go to school here?

A. Yes.

[fol. 157] Q. Does he work?

A. Part time.

Q. I don't know if it is a boy or not but we started in talking about a boy?

A. A boy.

Q. What kind of work does he do?

A. He works for Ed Lynn Fiberglass, and also Fiber Lay.

Q. And what kind of work is that? Warehouse work?

A. No. Fiber—fiberglass.

Q. Oh. He installs it or helps install it?

A. He helps install and also makes articles.

Q. I see. And how long has he been with them? A short time?

A. Approximately a year.

Q. And does he belong to any union—labor union?

A. No.

Q. Have you ever belonged to a labor union?

A. Yes, on the railroad.

Q. Boeing Airplane?

A. Yes.

Q. Aeronautical Mechanics?

A. Right.

Q. And have you been a member of the Aeronautical Mechanics for fifteen years?

A. Not all the time.

Q. How long have you been a member of the union?

A. Approximately ten years.

Q. That takes us back to 1947?

A. At times when I am supervisor I don't belong to any union.

[fol. 158] Q. You are supervisor now?

A. As of today, no.

Q. Well, they do have a supervisors' union, don't they?

A. No.

Q. Oh, they don't?

A. No.

Q. And—but while you were a supervisor, you were a supervisor then about ten years ago?

A. Yes.

Q. During the war period?

A. I was then and I was last week, up until last week.

Q. Well, have you terminated employment with Boeing?

A. No.

Q. Been cut down?

A. I've been cut back, effective yesterday.

Q. You are not saying that because you are on the jury, of course, you are not working today, you are here, but—

A. I was set back yesterday, officially yesterday.

Q. And that has not been because of your jury service, cut down on personnel out there?

A. Right, surplus of employees.

Q. And does your wife work, Mr. Wood?

A. No, she doesn't.

Q. Has she ever worked except around the house?

A. Except around the house is all.

Q. I understand that they claim that is work.

A. I believe they claim that.

Q. Especially when you have a lot of children. I am going to get real popular with the ladies. Now when you first started with Boeing fifteen years ago, did you belong [fol. 159] to the union then?

A. Yes.

Q. And then when you became supervisor you were out temporarily and then back as things changed?

A. Several different times.

Q. Yes, and when you were with the railroad company you were a member of the union at that time?

A. Yes.

Q. That was what union—what union was that?

A. Brotherhood of Railroad.

Q. And then did you have your own farm in Oklahoma? Was it a family farm?

A. Yes, my father's farm.

Q. How long have you lived in the Seattle area, Mr. Wood?

A. I came here in '39.

Q. And your wife, where was her home?

A. Oklahoma.

Q. Oklahoma too. Were you married in Oklahoma?

A. Yes.

Q. How old are you, Mr. Wood?

A. 49.

Q. And how far through school did you go?

A. Eighth grade.

Mr. Regal: Pass Mr. Wood for cause, Your Honor.

Voir dire examination.

By Mr. Burdell:

Q. Mr. Wood, when you were a member of the—I cannot remember the name of it, the Brotherhood of Railway, was the name of it the Brotherhood of Railway Operators or something?

[fol. 160] A. I cannot quote the exact name.

Q. How long were you a member of that union?

A. Oh, approximately ten years.

Q. Were you at all active as a member, did you attend meetings or anything of that sort?

A. No.

Q. Were you at all active in the union to which you belong now?

A. No.

Q. You never attended meetings or rarely attended meetings?

A. Rarely, very rarely.

Q. And was that because you were not interested or is that because you don't have time or is it because you are in a supervisory capacity most of the time, any of those reasons?

A. Yes, I don't wish to be involved.

Q. You mean you have some opposition to unions that leads you to say or believe you don't wish to be involved?

A. No, not necessarily. I have nothing against them, if that's what you mean.

Q. Well, when you say you don't wish to be involved, can you tell me a little more about what you mean? You mean you just have no interest or—

A. I really don't have any interest, no.

Q. Then do you belong to the union there because you feel that you have to, is that it?

A. No, no, not exactly.

Q. Well, you say not exactly. I wonder if you could explain it to me a little more, because I can't—

A. Well, let's say it this way. I believe in labor organiza-
[fol. 161] tions. I think they are a good thing. I don't believe in all their ideas, but who does?

Q. Well, some day maybe you can ask me the questions. Now, Mr. Wood, you were at Boeing's in 1948, I take it?

A. Right.

Q. Were you in a supervisory capacity at that time?

A. No, I was a tool maker at that time.

Q. You were a tool maker. Getting back to this union affiliation situation, as I understand it, you believe in the long run that unions accomplish something but there are some types about it or some things that you don't approve of or some methods or something of that sort?

A. Right.

Q. But although you don't approve of them, you haven't felt that you have the time or the capacity to go to the meetings and try to change it, is that it?

A. Right.

Q. There is nothing about unions, the union to which you belong, that would tempt you to go to it, that would prevent you from going to the meetings, and having something to say about it?

A. Not if I wanted to.

Q. Not if you wanted to.

A. I just don't want to.

Q. Now in 1948, when you were a tool maker, were you aware of some differences between the Aeronautical Workers Union and the Teamsters' out there?

A. Yes.

Q. Did you have any participation at all in connection [fol. 162] with that dispute?

A. No.

Q. Were you out of work any as a result of it?

A. Yes.

Q. How long were you out of work?

A. Wasn't exactly out of work, I was out of work at Boeing's, however I worked all the way through—but not at Boeing's.

Q. I see, but you had to quit work at Boeing's and then you went to work someplace else during that period of time?

A. Yes.

Q. Can you tell us where it was that you worked during the—

A. Yes, I went to work as a carpenter under the Shinglers' Union.

Q. Under the what?

A. Shinglers' Union.

Q. Is that a union affiliated with the American Federation of Labor?

A. I believe so.

Q. And you had to have a union card of some sort?

A. I had one.

Q. Were you a regular member of that union or were you working on some sort of permit?

A. No, I was a regular member.

Q. Are you still a member of that union?

A. No, not as of now.

Q. Now, what attitude do you have, if any, toward the Teamsters' Union and Mr. Beck, who was president of that [fol. 163] union, resulting from this dispute which took place at Boeing's in 1948?

A. Well, I didn't agree with their idea, of course.

Q. You didn't agree with the idea of the Teamsters' Union or the Aeronautical Workers' Union or both or which?

A. I actually didn't agree with either one.

Q. And do you have or did you have at that time any feeling of resentment towards the Teamsters' Union because of the fact that you had to leave work there which—

A. I will have to say yes. At that time I did.

Q. Well, at least you recall having the resentment?

A. Yes.

Q. And does the resentment still exist in your mind?

A. No, it is under the bridge as far as I am concerned.

Q. Has anything in particular happened to overcome the resentment which you had in 1948, I mean, what has changed your mind about it?

A. Oh, I felt it was a business proposition and business is business, whichever way it goes, and I just dropped it from my mind.

Q. Well, of course,—how long was it that you were not at work there as a result of this situation? Can you recall?

A. I believe something like nine months, wasn't it, that we were out.

Q. About nine months you think?

A. I wasn't out of work, I went ahead and worked.

Q. Yes, I understand. We can't tell you when it was—

A. I was only guessing.

Q. Now you are pretty well satisfied, do you think, or [fol. 164] let's put it this way. Can I be satisfied that the resentment that you felt in 1948 has completely disappeared as far as this case is concerned?

A. Yes.

Q. Have you discussed this case with anyone, Mr. Wood, recently?

A. Not in particular, no.

Q. Well, in general have you discussed it?

A. Oh, in general I have heard about it and things like that.

Q. And from whom have you heard about it? Friends or relatives or people on the job working with you?

A. Well, yes, friends, relatives, and people on the job.

Q. So then you have heard—well, relatives, would you be referring to your wife or to some other close relative?

A. Yes.

Q. And I take it then you have talked about it with your wife?

A. Yes.

Q. And was that since you have been on jury duty or was it before, or both?

A. Well, of course we made some plans about this.

Q. I am not referring to plans made last night; yes.

A. Naturally it wrapped around this particular case.

Q. Surely.

A. And that is all.

Q. Or that is all. But have you had—have you participated yourself in any discussion with your friends or relatives?

[fol. 165] A. No.

Q. I am not referring just to this case, but any discussion concerning Mr. Beck or the Teamsters' Union in which you have expressed a feeling of hostility or resentment?

A. No.

Q. None at all?

A. No.

Q. Well now, I am going back to 1948. I assume that during that period of time you probably expressed some?

A. It's possible, I don't remember whether I did or not. I didn't have—it wasn't concerning me one way or the other even then. I wasn't really concerned.

Q. Because you had the other job?

A. Well, yes. I didn't care which way it went.

Q. Do I understand—did you say you didn't care which way the dispute went?

A. That's right.

Q. So as far as you were concerned at that time, you would have been just as well satisfied if the Teamsters' Union had prevailed in that dispute that they had there?

A. As far as I was concerned personally.

Q. And it wouldn't have affected you economically or any way?

A. No.

Q. And as far as whatever you know about the Teamsters' Union, you would just as soon be a member of that union as the Aeronautical Union?

A. Yes.

[fol. 166] Q. And would that be true at the present time?

A. If I was working under that job that came under there.

Q. Under their jurisdiction?

A. Yes.

Q. Now I assume or I understand from what you said, Mr. Wood, that in these discussions that you have had there have been some statements of resentment or hostility made about Mr. Beck by someone?

A. Naturally.

Q. And what opinion did you form in your mind that you have at the present time as a result of discussions of that sort?

A. In regard to this case, none.

Q. What opinion did you form in your mind as a result of those conversations concerning Mr. Beck in general and his conduct, what you heard about his activities?

A. Well, I don't approve of things that he has done and I do approve of things that he has done.

Q. Let me ask you this then. When you say that you approve of things which Mr. Beck has done, can I be sure that when you deliberate on this case you will keep in mind the good things you have heard about him?

A. Right.

Q. Just as well as the bad things?

A. Right.

Mr. Burdell: Pass this juror.

[fol. 167] By Mr. Regal:

Q. Mr. Arndt?

A. Yes, sir.

Q. Do you pronounce it that way, sir?

A. That is correct.

Q. Where are you employed?

A. I am a buyer at Boeing, purchasing.

Q. Mr. Ryan is in the same department as you?

A. No. I believe we are in different divisions.

I am in the Materiel Plant 2.

Q. How long have you been at Boeing's?

A. Six years and eight months.

Q. And what work did you do before that?

A. I was in advertising for myself about three and a half years.

Q. What was the name of the company?

A. I operated under my own name, just Roy J. Arndt, Creative Advertising.

Q. I see. Was that in Seattle?

A. Yes, sir.

Q. Three years?

A. About three and a half years.

Q. I see. What work did you do before that?

A. I was in the export and import business for three years, two and a half years.

Q. What did you export and import?

A. Well, mostly products to China.

Q. Was that in this area, too?

A. In Seattle, yes, sir.

Q. And prior to that?

[fol. 168] A. I served in the United States Marine Corps for a little over two years.

Q. What was your rank, sir?

A. I was a staff sergeant on recruiting duty.

Q. Was that in Seattle?

A. No, that was back in Ohio.

Q. And prior to that time?

A. I was with the Wright Patterson Air Force Base, Air Service Command, for about two years.

Q. In what capacity?

A. Clerical work.

Q. That was as a civilian employee?

A. Yes, sir.

Q. And prior to that?

A. I was a salesman with a company in the Detroit, Michigan Burkhart Company.

Q. Selling what products?

A. They manufactured embossed and decorated book covers, imitation leather and fancy leather.

Q. Prior to that?

A. Prior to that I was in sales promotion work with Johns-Manville Corporation in Cincinnati, Ohio.

Q. How long were you with them?

A. Let's see, about three and a half years.

Q. And can we go further?

A. You are going back quite a ways.

Q. I know it.

A. I was with a manufacturer's agent in Cincinnati, George A. Springmeyer Company.

Q. You have a good memory. ✓

[fol. 169] A. As a salesman.

Q. And can we go back further now than that?

A. Let's see, Rudolph Company in Cincinnati.

Q. Salesman?

A. Bookkeeper.

Q. Bookkeeper. And before that?

A. School.

Q. We got back to school. What school did you go to?

A. Two years in college.

Q. What college?

A. Concordia College, North Carolina and Central College, Indiana, one year.

Q. What is your home state, sir?

A. I was born in Kansas City, Missouri.

Q. And you have lived in numerous states then during your lifetime?

A. Yes, I have.

Q. When did you come to the Seattle area?

A. December, 1945 and after leaving the Marine Corps.

Q. Yes, and you are married?

A. Yes, sir.

Q. Do you have children?

A. One daughter 23.

Q. And what kind of work does she do?

A. She is employed by Mercury Records in New York City, since graduation from college.

Q. And she has been on that work all the time since she got out of college?

A. Since last fall.

Q. And is she married?

[fol. 170] A. No, sir.

Q. Not yet, anyway?

A. I don't think so.

Q. Now, is your wife employed?

A. No, sir.

Q. Has she ever been employed?

A. Yes, sir.

Q. While you were married to her?

A. Yes, sir.

Q. What kind of work has she done?

A. Secretarial.

Q. All secretarial work?

A. Yes.

Q. Have you ever belonged to any labor union in these various occupations?

A. No, sir.

Q. Has your wife?

A. No, sir.

Q. Has your daughter, that you know of?

A. No, sir.

Q. There is no conflict with labor unions or members or officials or anything of that nature?

A. No, sir.

Q. And you have served on a jury trying criminal cases?

A. Yes, one jury.

Q. Did anything occur during the course of that trial that would tend to prejudice you against a person charged with a crime?

A. No, sir.

Q. Or against the State of Washington or its prosecuting [fol. 171] officials?

A. No, sir.

Q. And you can divorce your mind completely from that case?

A. Yes, sir.

Mr. Regal: Pass Mr. Arndt for cause, Your Honor.

By Mr. Burdell:

Q. Mr. Arndt, I understand from my notes that in answer to the Court's question, general question, you did not indicate that you had heard any expression of opinion concerning Mr. Beck or the Teamsters' Union, or have you?

A. Of a very general nature. I never was very much interested in the case.

The Court: Can't hear you, sir.

A. I'm sorry. In a very general nature. I have heard some discussions but nothing specific.

Q. Well, have you heard hostile statements of a general nature towards Mr. Beck?

A. No, surprisingly there is very little discussion in my department. I wasn't much interested in it.

Q. Would that be true also among your friends and your relatives?

A. Yes, my wife and I never discuss the case.

Q. Have you read or did you read last summer any newspaper reports or see any television programs concerning the McClellan Committee hearings?

A. I didn't see any of the television, I wasn't interested. I did read some of the headlines but I did not read the articles thoroughly, I wasn't interested.

Q. But in any event, the headlines, let me ask you this, [fol. 172] are you a person who you think who has a tendency to be impressed by or to believe headlines that you

see in the newspapers necessarily because they are in the newspapers?

A. No, sir, I am not.

Q. In other words, do you believe in this particular case you can treat whatever newspaper reports you saw as in effect not having been made?

A. I don't understand your question.

Q. Can you treat those—can you consider this case from the point of view of never having even observed or read whatever newspaper headlines you saw?

A. I never did pay too much attention to them.

Q. Well, in any event, even if you do read them, can you approach this case on the theory that things that are said, either good or bad, about a person in newspapers just may or may not be true? Can you treat this case in that fashion?

A. Yes, sir, I am positive.

Mr. Burdell: Pass this juror for cause.

By Mr. Regal:

Q. Mrs. Fields?

A. Yes.

Q. Are you employed, ma'am?

A. No, sir.

Q. Have you ever been employed?

A. Yes, sir.

Q. What kind of work have you done?

A. Teaching.

[fol. 173] Q. And has that been in this area?

A. You mean in King County?

Q. Well, in Washington?

A. Yes, all of it.

Q. What teaching did you do?

A. Grades.

Q. All the grades, or do you specialize?

A. Up to 7th.

Q. How long did you teach?

A. Oh, all totaled about 12 or 14 years.

Q. Has that been the only work that you have done?

A. Yes.

Q. What does your husband do?

A. He is retired from the Navy.

Q. What was his rank in the Navy?

A. Chief boatswain's mate.

Q. Was he in the Navy all during your married life?

A. Yes.

Q. Prior to the time he retired?

A. Yes, but at present—

Q. I beg your pardon?

A. At present he is at the Army Terminal.

Q. As a civilian employee for the government?

A. Yes, sir.

Q. What is he doing there?

A. He is a guard.

Q. Now, have you served on a jury trying criminal cases before?

A. No.

Q. This is your second or fourth week?

[fol. 174] A. Fourth.

Q. And all of your cases have been civil?

A. Yes.

Q. Do you have any children?

A. No.

Q. No children?

A. No.

Mr. Regal: Pass Mrs. Fields for cause, Your Honor.

By Mr. Burdell:

Q. Mrs. Fields, you have heard of this case?

A. Yes, I have.

Q. And you have, I assume, read a rather substantial number of newspaper articles concerning the Teamsters' Union and concerning Mr. Beck?

A. Oh, yes, somewhat.

Q. And seen television reports to some degree?

A. Some degree, yes, sir.

Q. And some of these—what about discussions? Have you discussed either this case or Mr. Beck in general with any of your friends?

A. No, I have not.

Q. Or with your husband?

A. No, he doesn't discuss things like that.

Q. You say he was a former chief boatswain's mate?

A. Yes.

Q. The highest rank in the Navy?

A. Well, I don't know about that.

Q. Mrs. Fields, whatever statements you heard about [fol. 175] Mr. Beck, do you think that you would be able to try this case on the theory that they simply were not true?

A. I think so.

Q. And you could treat them as not having been made?

A. I think so.

Q. And in other words, you too understand that statements made out of court not subject to cross examination, either in the newspapers or in other places, cannot be considered by you and cannot be applied by you and are not necessarily reliable in so far as your determination of this case is concerned?

A. Yes.

Q. Do you understand that?

A. Yes.

Q. And I guess by now you have learned, have you, that statements in newspapers, whether they are good or bad about a person, may not be true or may be true. Insofar as this case is concerned, do you think you could forget them?

A. Yes, I think so.

Mr. Burdell: Pass the juror.

By Mr. Regal:

Q. Mr. Westenberg?

A. Yes.

Q. Your employment is general freight agent?

A. That's right, for the Green Bay & Western Railroad.

Q. And the office is here in town?

A. Yes, in the Vance Building.

Q. How long have you been with that company, sir?

[fol. 176] A. About 27 years.

Q. Before that you did what?

A. Before that I was with the Transcontinental Freight Bureau.

Q. Same type of job?

A. Yes, more or less, it is in freight making, and prior to that with the Western Truck Lines, which is a committee or group of freight making group for the middle western carriers.

Q. Were you a member of the Railroad Union?

A. No.

Q. During any of that time?

A. No, never have been.

Q. And where is your—what is your home state, sir?

A. I was born in Chicago.

Q. When did you come out here to this area?

A. 1940. I opened the Portland office in 1940.

Q. Have you lived in any other state in the Union?

A. Yes, I have lived in New York and Massachusetts and Oregon.

Q. Is Chicago where you were born?

A. Yes.

Q. Is your wife employed, Mr. Westenberg?

A. No.

Q. Are you married?

A. Yes, that's right.

Q. And is your wife employed?

A. No.

Q. Has she ever been employed?

A. Yes, before I married her, and she quit right after I [fol. 177] married her.

Q. And then you worked. You did not use the right psychology. What kind of work did she do?

A. She was a legal secretary.

Q. In this area?

A. No, in Boston.

Q. And that is the only kind of work that you know of that she did?

A. Yes, that's true.

Q. Do you have any children?

A. I have two, I have a girl 22 and a boy 18.

Q. And is the boy 18 going to school?

A. He is a pre-med student at the University of Washington.

Q. He has no part time job, I take it?

A. No.

Q. And the girl 22, is she married?

A. No, she just started working at Frederick & Nelson.

Q. Sales department?

A. Yes.

Q. She is a retail clerk?

A. Yes.

Q. Do you know whether she belongs to the Retail Clerks' Union or not?

A. I believe she does but I am not sure.

Q. You have no knowledge of it one way or the other?

A. No, I recall her mentioning something about it. I assume that she does because I believe most of them do.

Q. There has been no friction, no problems involving her employment there with the union?

A. Oh, no.

[fol. 178] Q. She has received no special favors and on the other hand she has received no disfavor because of her employment?

A. As far as I know.

Q. As far as you know.

The Court: Excuse me, Mr. Regal, it is time for the morning recess. Ladies and gentlemen of the jury presently in the box, you may now retire to the jury room. The court will now be at recess until 11:15.

(Recess.)

[fol. 179] The Court: The Clerk will please take the jurors' name or names from the box and place them on her desk. The Clerk will now place in the jurors' box the names of jurors sent to the Court this morning by the Presiding Judge. The Clerk will now call the names of four jurors. Will the jurors please answer present when called.

The Clerk: Ethel E. Forbes.

Voice: Here.

The Clerk: D. W. Roberge.

Voice: Here.

The Clerk: John C. Wilson, Jr.

Voice: Here.

The Clerk: Ida C. Wilbor.

Voice: Here.

The Court: The jurors whose names have just been called will please report to Department 2, Room 703, Judge Cramer.

Mr. Regal: Your Honor please, may the record indicate here that neither counsel have any objection to removing four of the panel sent down here.

The Court: This matter was discussed in chambers and counsel agreed that this matter might be handled in this manner. The Clerk will now remove from the jury box the names remaining. Are they removed?

The Clerk: They are, Your Honor.

The Court: Place in the box the names of the jurors that were previously there. Bring in the jury, please.

(Jurors in the jury box.)

[fol. 180] The Court: Please be seated. Mr. Regal?

Questions by Mr. Regal:

Q. Mr. Westenberg, this is your second or fourth week, sir?

A. This is my second week.

Q. And have you sat on a jury trying criminal cases before?

A. No.

Q. You have not. You have sat on a jury trying civil cases?

A. That is right.

Mr. Regal: Pass Mr. Westenberg for cause.

Questions by Mr. Burdell:

Q. Mr. Westenberg, you were one of those whom I believe said you had heard expressions of opinion about this case or about Mr. Beck?

A. That's right.

Q. Were those expressions, did they refer to this case specifically?

A. Not to this particular case that we have before us now, but to the general situation.

Q. When you say to the general situation, did you have reference to something that occurred in the course of those Senate hearings last summer?

A. Dating back to the McClellan Committee.

Q. Were those expressions expressions of resentment or hostility towards Mr. Beck?

A. I would say preponderantly they were hostile.

Q. Did those take place among your friends or relatives?

A. Well, I discussed it with dozens and dozens of people. [fol. 181] They were friends and business acquaintances.

Q. And in the course of these discussions did you express or did you have any opinion concerning Mr. Beck, generally that you have at the present date?

A. Yes, I did, and I argued right along with everyone else. I think you can understand how those discussions go, particularly in a round table discussion, everyone has.

Q. When you refer to round table discussion, you don't mean to say there were any formal discussions at any meetings or anything of that sort?

A. No, just a luncheon get-together at the Arctic Club or the Rainier Club.

Q. Are you a member of the Rainier Club?

A. No, I am a member of the Athletic Club.

Q. I didn't ask you about your own expressions, whether or not your own expressions were hostile to Mr. Beck or favorable to Mr. Beck or were you one of those people who takes contrary positions either way from time to time?

A. Yes, I do that on occasions for the sake of arguing. However, dating back to the time of the McClellan Investigation Committee hearings in Washington, I was very much at that time opposed to the Fifth Amendment under the circumstances. Later when I learned that there was other litigation or other cases coming up, I changed my mind somewhat on the Fifth Amendment procedure.

Q. You have come to the conclusion that under certain circumstances it is an appropriate and proper right to exert?

[fol. 182] A. That is right. Certain circumstances. It was not a court hearing. It was merely an investigation

and I believe, of course, that the questions probably could have been answered without difficulty but in view of the fact that there were other cases pending, I understand why he did not testify to something that was going to be heard once again.

Q. Well, now, did you have any or do you at the present time have any opinion or feeling as to whether or not the assertion of this constitutional right implies or carries with it any implication or consciousness of guilt?

A. No.

Q. Since then, Mr. Westenberg, have you followed the newspapers from time to time concerning this case and other transactions or proceedings involving Mr. Beck or the Teamsters' Union?

A. Yes, I have.

Q. Now, aside from this case, at the present time, as a result of all of these things you have read and heard, do you feel that you have any prejudice toward Mr. Beck in any way that would affect your consideration of this particular case, these particular facts?

A. No. However, there is one thing I would like to mention to you now. Perhaps it should have been answered in the general questioning. However, it didn't appear at the time to be pertinent to it. Among people whom I have discussed this case with, and I am telling you this and both counsel so you can be guided, a very good friend of mine, Howard Sylvester, I believe has some litigation pending [fol. 183] against the Western Conference of Teamsters arising out of Initiative 198, but that of course is a case against the Western Conference of Teamsters and not against Mr. Beck personally.

Q. Has Mr. Sylvester made any statements in connection with that litigation involving Mr. Beck personally?

A. No, other than just in a very general way.

Q. Did you understand from that, from Mr. Sylvester, that Mr. Beck personally had anything to do with this suit and this difficulty which has arisen?

A. No.

Q. So far as you know from Mr. Sylvester, his relationships in connection with that matter were purely with other people, is that a correct statement?

A. That is right. It was a public relations job.

Q. Do you understand that Mr. Beck is president of the International Brotherhood of Teamsters and do you believe you would be inclined to hold him responsible in any way, that is, as president of the International, because of some acts of the Western Conferences which is down the line?

A. A subsidiary.

Q. Do you think you might be inclined to hold Mr. Beck responsible for that?

A. I doubt it very much.

Q. Has Mr. Sylvester ever indicated any personal hostility toward Mr. Beck personally?

A. Not to my knowledge. At least not to me.

Q. Do you know whether or not Mr. Sylvester knows Mr. Beck personally?

[fol. 184] A. I am not sure but I rather imagine he would.

Q. Do you know whether or not in connection with this public relations job that he had, whether or not he had any personal, business or other transactions with Mr. Beck?

A. No, I don't know that.

Q. In other words, you think I can be satisfied that while Mr. Sylvester has the usual resentment that a plaintiff does in a civil suit toward the defendant, your friendship with him in this case wouldn't affect your deliberations?

A. That is my opinion, that I believe I could set that aside.

Q. You understand that you can only express that as a matter of opinion?

A. That is right.

Q. You will do your best?

A. That is right.

Q. Now did you read anything—I assume from what you have said about your conversations and your general knowledge of these affairs, that you have read or heard about the case which was tried several days ago against Mr. Beck's son and the results?

A. Yes.

Q. Do you understand or do you have any idea or feeling as to whether or not that case is connected in any way with this case?

A. It involves the same set of circumstances, I mean the same commodity, I should say, but whether or not there was any connection between the two or not, I couldn't [fol. 185] say.

Q. In any event, again do you think—is it your opinion that you can consider this case without any reference whatsoever to the results in the previous case?

A. Yes, I am sure I can do that.

Q. Is there anything about your work, Mr. Westenberg, which would—let me put it a little broader. Is there anything about your work or about the nature of these discussions that you have had—I want to ask this question because of the fact that you recognize that you are going to be able to do this only as a matter of opinion—I would like to ask if there is anything about the work that you do or the discussions which you have had with your friends and the reports that you have seen circulated which lead you to think that unknowingly you may have some subconscious prejudice which might affect your deliberations?

A. Well, that would be, I believe, rather difficult to answer.

Q. You don't know?

A. I haven't probed my subconscious lately.

Q. But at least you understand what I am trying to get at?

A. Yes, I understand.

Q. And do you think—

A. Well, I believe that I can carry on without.

Mr. Burdell: Pass this juror.

[fol. 186] DIXON VALLANCE (whereupon, promising to true answer make to questions propounded to him touching upon his qualifications to act as juror, was duly sworn).

Voir Dire examination.

By Mr. Regal:

Q. Mr. Vallance, would you tell us your employment, please?

A. I am with the Pacific Telephone & Telegraph Company.

Q. And what do you do for them?

A. My title is plant staff supervisor.

Q. Now you have been in the box during the entire time? You were one of the first jurors called?

A. Yes, sir.

Q. And you haven't replaced anyone. All the general questions that the Court asked, do you recall all of those questions?

A. Yes, I do.

Q. Are your answers the same today as they were yesterday or is there some change?

A. Well, there is one change. The Court asked if anyone had any reason why sickness might have an effect. I didn't think at that time it had any effect upon me but last night I didn't feel too good.

Q. I noticed you looked agitated today.

A. Yes. That is the reason I was thinking about asking to be excused.

Q. Because of health reasons?

A. I was in good health up to now. I didn't see any reason yesterday why I should claim that.

The Court: What is your condition of health?

[fol. 187] The Juror: My health has been excellent up to now but last night I had considerable pains in the region of my stomach. I thought it was probably ulcers.

The Court: Have you been inflicted with that illness previous to this?

The Juror: No, sir.

The Court: Have you consulted a doctor recently?

The Juror: No, it's been about a year since I had a check-up.

The Court: What is your age?

The Juror: 64.

The Court: You may continue examination.

By Mr. Regal:

Q. Do you have any trouble today, Mr. Vallance?

A. Not right now.

Q. Your name is spelled V-a-l-a-n-c-e?

A. Two l's.

Q. All right. That trouble you had last night could have been something you ate?

A. Could have been, yes.

Q. How long have you been with the Pacific Telephone & Telegraph Company?

A. It will be 35 years the first of May next year.

Q. Has that always been in this area, sir?

A. Always in Washington.

Q. And is Washington your home state?

A. Well, it has been since I took up residence here.

Q. When did you do that?

A. 1923.

[fol. 188] Q. Prior to that, where did you live?

A. Vancouver, B. C.

Q. Were you a Canadian citizen at one time?

A. Yes, I was.

Q. You are a naturalized citizen now?

A. Yes. I have been.

Q. Since how long?

A. Oh, I think it's been about 33 years.

Q. What did you say your work was with the Pacific Telephone & Telegraph Company?

A. My work is comparable to the—shall we say the principal of a school, in heading up the training classes.

Q. You teach the new employees?

A. Yes, supervisor of the instructors who do the teaching.

Q. You supervise the teachers?

A. Yes, sir.

Q. How long have you held that job?

A. Since about 1939, I guess. '38 or '39.

Q. Are you married, Mr. Vallance?

A. Yes.

Q. You have children?

A. No, we have no family.

Q. Has your wife worked at any time during your marriage?

A. No, sir.

Q. Other than housework?

A. Yes.

Q. Taking care of you?

A. Yes, sir.

Q. Now this is your second or your fourth week?
[fol. 189] A. This will be the second week.

Q. And did you serve on a jury trying a criminal case before?

A. I did, yes.

Q. Did anything occur during the course of that trial that would tend to prejudice you against a person charged with crime?

A. No.

Q. Would anything about that trial tend to prejudice you against the State of Washington?

A. No.

Q. Or its prosecuting officials?

A. No.

Q. You can divorce your mind completely from what occurred before and pay close attention and judge this case entirely on its merits and not intermingle the two in your mind?

A. I don't think I have any reason to do anything else.

Q. Ordinarily not, but I just want to know whether you feel that way?

A. Yes.

Mr. Regal: Pass Mr. Vallance for cause.

Voir Dire examination.

By Mr. Burdell:

Q. Mr. Vallance, you have heard the questions I have asked the other jurors about having heard expressions of opinion concerning this case. Is there anything that you know of or is there any feeling in your mind—you have heard all those questions, haven't you?

[fol. 190] A. Yes.

Q. Is there anything in your mind at all that would lead you to believe that for any reason you might have any difficulty in deciding the issues in this case impartially and fairly?

A. I don't think of any question about that.

Q. Do you think I can be satisfied that you will decide the case on the facts in evidence and the instructions and

not on the basis of some assertion or claim you may have heard or read outside of court?

A. I don't think I would be guided that way.

Mr. Burdell: Pass Mr. Vallance for cause.

[fol. 191] PAUL F. LANGE (whereupon, promising to true answer make to questions propounded to him touching upon his qualifications to act as juror, was duly sworn).

Voir Dire examination.

By Mr. Regal:

Q. Mr. Lange, you have been in the jury box all the time?

A. Yes.

Q. Since yesterday has anything occurred at all as far as answers to the general questions are concerned which you should bring to the attention of the Court at this time?

A. No.

Q. Everything is the same as yesterday?

A. Yes.

Q. What kind of work do you do?

A. Retired.

The Court: Louder, please.

A. Retired.

Q. What kind of work did you do?

A. Postal transportation service, civil service under the Post Office Department.

Q. How long were you in that?

A. 45 years, a little over.

Q. How long have you been retired?

A. Since '54. Three years.

Q. And did you do other kinds of work prior to that time?

A. I was a machinist for four years before I took the civil service exam.

Q. Was that in this area?

[fol. 192] A. Bellingham.

Q. That was a union job?

A. Yes, I had a union card for two years.

Q. And when you got into civil service, of course, you no longer belonged to the union?

A. No.

Q. You are married, Mr. Lange?

A. Yes.

Q. You have children?

A. One boy.

Q. How old is the boy?

A. 41.

Q. What kind of work does he do?

A. He was a mining engineer. The last four years he has been secretary for the Engineers' Joint Council in New York.

Q. Now the Engineers' Joint Council, what is that, sir?

A. Well, all the engineering organizations last June had a meeting in town and he was out here to address them. There are eleven affiliated engineering organizations.

Q. They resemble a labor union in that it is an organization of engineers?

A. Well, they are not in the category we think of—

Q. Like the National Association of Manufacturers?

A. More like the medical association.

Q. The medical association?

A. Yes.

Q. Sort of a professional association?

A. Yes.

Q. He has a job as secretary to that?

[fol. 193] A. Yes, national secretary to that association.

Q. He is married?

A. Yes.

Q. Does he have children?

A. Two.

Q. How old are they?

A. Marjorie is 4 and the other is 2.

Q. I see. Babies. His wife, does she work?

A. No.

Q. Have you served on a jury trying a criminal case before?

A. No.

Q. Is this your second or fourth week?

A. Second week.

Mr. Regal: Pass Mr. Lange for cause, Your Honor.

Voir Dire examination.

By Mr. Burdell:

Q. You have served on other juries before, Mr. Lange?

A. Well, in Judge Gaines' court two weeks ago, a civil case.

Q. Two civil cases?

A. One they settled while we were on the job and the next one we—

Q. Mr. Lange, now again I will just ask you one question. You have heard all of these questions. Do you think I can be satisfied that you will be able to conduct your deliberations with complete impartiality and without reference to any reports or discussion you may have heard outside of the courtroom?

A. Yes, sir.

Q. And you believe that you will be able to treat what [fol. 194] ever reports or discussions you may have heard as never having been heard by you?

A. Yes, surely.

Q. You have served on two cases and I take it you understand at some times statements made in newspapers and outside of the court, whether for or against a person, may not be entirely correct?

A. Yes, I thoroughly understand that.

Mr. Burdell: Pass Mr. Lange for cause.

The Court: The State's first peremptory challenge.

Mr. Regal: The State will excuse Mr. Ryan, Juror No. 3, Your Honor.

The Court: Mr. Ryan, please step down.

The Clerk will call another juror.

The Clerk: Harold R. Brown, 9221 47th Avenue Southwest.

HAROLD R. BROWN (whereupon, promising to true answer make to questions propounded to him touching upon his qualifications to act as juror, was duly sworn).

By the Court:

Q. Mr. Brown, were you present in court yesterday and sworn with the rest of the jurors?

A. I was, Your Honor.

Q. Did you hear the Court's reading of the indictment and the brief explanation of the case and the introduction of the parties and counsel?

A. Yes, I did.

Q. Did you hear and understand the questions that I [fol. 195] asked the jurors yesterday?

A. Yes, sir, I did.

Q. And the questions that I asked the jurors today with respect to matters occurring overnight, did you hear and understand those, sir?

A. Yes, sir.

Q. Would you have answered any of those questions by raising your hand?

A. Well, I have heard of the case.

The Court: Yes, sir, that is the first question.

A. Overnight I can think of nothing.

The Court: Any of the other questions yesterday that you would have answered in the affirmative by raising your hand?

A. No.

The Court: Gentlemen, you may inquire.

Voir Dire examination.

By Mr. Regal:

Q. Mr. Brown, what is your employment?

A. I am an electrical engineer with the Boeing Airplane Company.

Q. How long have you been with Boeing?

A. 25 years.

Q. And prior to that did you work at anything or did you go to school?

A. No, prior to that I worked for various concerns first.

Q. Electrical engineering?

A. Electrical or structural. Immediately before Boeing's I was with Wallace Bridge & Structural Steel for about a [fol. 196] year. Before that with Northwest Steel Rolling Mills.

Q. Always as an engineer? That has been your work?

A. Yes.

Q. Did you take your degree here at the University of Washington?

A. Electrical engineering at Washington.

Q. When did you take that, sir?

A. 1926.

Q. I will have to ask you some general questions. Did you hear the general questions I asked the other jurors about whether or not any close friend or relative was ever involved in a criminal case of any kind?

A. Yes.

Q. Has there been in your family?

A. The answer would be no.

Q. Or acquaintances?

A. No.

Q. Do you know Mr. Burdell and Mr. Keough or any of their associates?

A. No, sir.

Q. Do you know Mr. Carroll or any of the prosecuting attorneys working for him?

A. No.

Q. Are you married, Mr. Brown?

A. Yes, sir.

The Court: Speak just a little bit louder, sir.

A. Yes.

Q. Does your wife work, sir?

A. No.

Q. Has she ever worked since you were married?
[fol. 197] A. Not since.

Q. Prior to that time?

A. Yes.

Q. What kind of work did she do then?

A. Stenographic work.

Q. Do you have any children?

A. Two.

Q. How old?

A. One boy 15, one 11.

Q. They are both attending school here in Seattle?

A. Correct.

Q. Have you served on a jury trying a criminal case before, Mr. Brown?

A. No.

Q. This is your second or fourth week?

A. Second.

Q. You have served on a jury trying a civil case?

A. That's right.

Mr. Regal: Pass Mr. Brown for cause, Your Honor.

Voir Dire examination.

By Mr. Burdell:

Q. Mr. Brown, have you participated in any discussions or been present at any discussions concerning Mr. Beck or concerning this case?

A. Yes. Not this case, no. I would say no.

Q. But I take it you have participated in discussions involving assertions made about or against or in favor of Mr. Beck?

A. Yes, I would say.

[fol. 198] Q. And where have those discussions—first, have those been discussions with friends and neighbors?

A. I would say they were so general over a period of years that I have lived in Seattle that I couldn't say specifically.

Q. But it could include friends and neighbors or business associates?

A. Right.

Q. Now have you—you mentioned a period of years. Do you recall particularly any discussions commencing during these so-called McClellan Committee hearings?

A. Very little.

Q. Do you recall any specific conversation about those hearings or about that subject?

A. Nothing more than just the routine comments about headlines that people will make.

Q. Well, now, have some of those consisted of statements of an adverse nature or hostile nature toward Mr. Beck?

A. To me, yes.

Q. You specified they were to you. Do I understand that you made no response of a similar nature?

A. I would say no. I have no basis for responding.

Q. Do you recall whether or not these were discussions with close relatives? I mean were they discussions with anyone whose opinion or whose assertion you might accept as being true or having some foundation?

A. No.

Q. In other words, so far as you know, any discussion of that sort you had were simply made by persons who read some headline in a newspaper?

[fol. 199] A. That is correct.

Q. Now did you say you had served on a civil case or two civil cases?

A. I have on one.

Q. What about the television reports of this McClellan Committee hearing? Did you observe or hear any of those?

A. I don't think I saw any of them.

Q. Do you believe, Mr. Brown, that you could treat the assertions or statements that you heard as being—or as never having been made as far as this case is concerned?

A. I believe there is a grave doubt there.

Q. You think there might be something in your mind as a result of all of these statements that would create some impression or opinion in your mind that would take some evidence by the defendant to counteract?

A. I believe there would be.

The Court: You may be excused, Mr. Brown. Thank you. The Clerk will call another juror.

The Clerk: Emma M. Bird, 8626 Fauntleroy Avenue.

[fol. 200] **EMMA M. BIRD**, 8626 Fauntleroy Avenue (whereupon, promising to true answer make to questions propounded to her touching upon her qualifications to act as juror, was duly sworn).

Voir dire examination.

By the Court :

Q. Is it Miss or Mrs. Bird?

A. Mrs.

Q. Mrs. Bird, were you in court yesterday and sworn with the rest of the jurors?

A. Yes, sir.

Q. Did you hear the Court's reading of the indictment and the general brief explanation of the case?

A. Yes.

Q. The introduction of the parties and counsel and the reading of the names of the witnesses?

A. Yes, sir.

Q. Did you hear and understand the questions that the Court asked the jury yesterday?

A. Yes, sir.

Q. And the questions that the Court asked the jurors today?

A. Yes, sir.

Q. Would you, in answer to any of those questions, have raised your hand?

A. No. I yesterday.

Q. About having heard of the case before?

A. Yes. In a general way; not specifically.

Q. I understand. Any other questions?

A. I have heard other talk of it some, not a great deal, [fol. 201] because I spend most of my time at home except since I have been on the jury.

Q. Is there anything from the nature or kind of case this is that would prevent you from being fair and impartial?

A. I don't believe so.

Q. Do you know of any reason at all why you could not serve on this jury as a fair and impartial juror?

A. No.

The Court: Gentlemen, you may inquire.

Voir dire examination.

By Mr. Regal:

Q. Mrs. Bird, is that right?

A. Yes, sir.

Q. Are you employed—no, you are not employed.

A. Housewife.

Q. And what does your husband do?

A. Electrical engineer at Boeing Airplane Company.

Q. You don't know Mr. Brown, do you?

A. Yes, sir, I do.

Q. Did you meet him through your husband?

A. Yes, sir.

Q. Do they work together, do you know?

A. They did at one time, yes. Not now.

Q. I see. How long has your husband been at Boeing's, ma'am?

A. Since February of 1941.

Q. What did he do prior to that?

A. He was employed as a secretary for the Agricultural Adjustment Association in Montana.

[fol. 202] Q. For how long?

A. I was trying to think. Three years, I believe. From 1936 to—no, it must have been 1937. It must have been four years.

Q. What kind of work did he do before that?

A. He was in college before that.

Q. What course did he take in college, do you know?

A. He majored in engineering physics.

Q. Where was that?

A. Montana State College.

Q. I see. Now did you—is Montana your home state, too?

A. No. My home state is Iowa.

Q. Have you ever worked at a job?

A. Yes, I have been a schoolteacher.

Q. Schoolteacher. What grades did you teach, ma'am?

A. I taught three years in rural schools and five years in departmental work in 4th, 5th and 6th grades, and two years as art and penmanship teacher in the first seven grades.

Q. Did you ever teach in the State of Washington?

A. I have not.

Q. You taught in Iowa?

A. Iowa and South Dakota.

Q. I see. And after you married Mr. Bird, then you became a housewife?

A. Right.

Q. How many children do you have, Mrs. Bird?

A. I have three.

Q. How old are they?

A. Seventeen, fifteen and ten.

[fol. 203] Q. Is the seventeen-year-old a boy or a girl?

A. A boy.

Q. Does he do any outside work?

A. Yes, he is employed in a drive-in restaurant on week-ends.

Q. He does not belong to any union, does he?

A. No, he does not.

Q. Has your husband ever belonged to a labor union that you know of?

A. No, he has not.

Q. Never had any difficulty with labor unions?

A. No.

Q. Have you yourself?

A. No.

Q. Have you served on a jury trying a criminal case before?

A. No, I have not.

Q. Is this your second or fourth week?

A. My fourth week.

Q. You have served on juries trying civil cases?

A. Yes, sir.

Mr. Regal: Pass Mrs. Bird for cause.

The Court: Excuse me, gentlemen. It is time for the noon recess. I wish to instruct the jurors in the box and the jurors in the courtroom on the panel that during this recess and all recesses you are instructed not to converse with each other or with any other person concerning any matter connected with this case until I give you further

instructions. You may now be excused to return in time for the afternoon session at 1:30 this afternoon.

(Court recessed until 1:30 o'clock P.M.)

[fol. 204] Voir dire examination.

By Mr. Burdell:

Q. Mrs. Bird, will you tell me whether or not you have discussed this case or Mr. Beck with Mr. Brown?

A. No, we didn't discuss it except as to whether we might get on the jury or not.

Q. That is while you have been on the jury panel?

A. Yes.

Q. Had you ever discussed it with him before that time?

A. No, I have not—I don't see him except on very rare occasions.

Q. Now, have you ever discussed Mr.—or this case or Mr. Beck with anyone else, any of your other friends or relatives or your husband or neighbors?

A. Not particularly; perhaps in a general way as the case might be mentioned, well, would I be likely to get on it or something like that.

Q. Those discussions all took place after you became a member of the panel, is that right, after you became a juror?

A. After I became a juror.

Q. And those discussions were with neighbors or friends mostly?

A. No, just in the family and then with fellow jurors.

Q. Now, the discussions with fellow jurors, would they be of the same nature, would there be anything other than questions about whether or not you might be on the jury?

A. Just in regard to the jury.

Q. Was there considerable interest among the panel as [fol. 205] to who might be on the jury?

A. Oh, I think people will—all the jurors are somewhat interested—whether they would be on.

Q. Were there in the course of the discussions that you have had, either while you have been on the panel or before then, have you heard discussions of the assertions and

claims made by the McClellan Committee in its hearings last summer?

A. No, I did see—I beg your pardon—I heard part of that on the radio but I didn't listen to much of it.

Q. After those hearings or at any time since then in connection with this case or in connection with the Teamsters Union or in connection with Mr. Beck, have any of these instructions that you have had or things that you heard been of the nature which is hostile or prejudicial towards Mr. Beck?

A. I haven't been in any discussions of that nature. I have heard a few comments on both sides for and against.

Q. And what is your own view at the present time towards the Teamsters Union or towards Mr. Beck? Do you have any prejudice towards that union or prejudice or resentment towards Mr. Beck that you would have to lay aside or consider in connection with this trial?

A. No. I have no resentment. I have no connection with the Teamsters Union or Unions.

Q. Do you have any feeling towards unions or the union movement in general which you might have to lay aside in connection with your deliberations?

A. No.

[fol. 206] Q. I noticed that you said you thought you could be fair and impartial and what I am trying to find out is, do you feel that in being fair and impartial it will be necessary for you to put some feeling of maybe hostility or resentment in the background and lay it aside?

A. No, I don't feel that way.

Q. You have no problem about that? In other words, you think you are fair and impartial as you approach it without having to lean over backwards or anything of that sort?

A. Yes, sir.

Q. Now the discussions you had with prospective jurors, did they include any of the jurors to your knowledge who were called as prospective jurors in the earlier case involving Mr. Beck's son?

A. No.

Q. And the interest that you say existed among the members of the jury panel, can you state what the context or the nature of the discussion was which indicated the interest,

I just want to be sure if it was an interest in the case or did the discussion indicate some hostility toward Mr. Beck?

A. No, I think it is an interest in people. We have become acquainted with so many people during this brief four weeks or three and a half weeks that you are just interested in people and which jury they will be on.

Q. I guess you do that in any case?

A. Yes.

[fol. 207] Q. All right, thank you.

Mr. Burdell: Pass this juror.

[fol. 208] The Court: Defendant's first peremptory challenge.

Mr. Burdell: May I have a moment, Your Honor?

The Court: Certainly.

Mr. Burdell: Your Honor, the defendant will excuse No. 4, Mr. Kraatz.

The Court: Mr. Kraatz, will you step down, please.

The Clerk will call another juror.

The Clerk: Leonard E. Morris, 4205 150th Southwest, Bellevue.

The Court: Mr. Morris, were you present in this court on this case yesterday?

The Juror: No, sir.

The Court: Will all of the jurors on the panel sent down from the Presiding Judge who were not here yesterday please stand, including Mr. Morris. Are there any other jurors on the panel in the courtroom? If so, please stand. I see jurors in the first two rows and Mr. Morris. Please be seated. Of the jurors who just stood in the courtroom, are there any present who were present in this department at any time during the trial of a cause entitled "State of Washington vs. Dave Beck, Jr."? If so, please stand.

And your name, sir?

The Juror: Orlando Silva. I was just here for a short time on the interrogation of the jurors but not on the trial.

The Court: You may now report back to the department of the Presiding Judge. Will all of the jurors who [fol. 209] were present in the courtroom who were not present yesterday please stand, raise your right hand to be sworn.

The Clerk: You and each of you do solemnly swear that you will true answers make to such questions as may be asked you by or under the direction of the Court touching upon your qualifications to serve as jurors in this cause, so help you God?

The Jurors: I do.

The Court: Please be seated. Before I give you a general explanation of the case and introduce the parties and counsel and ask you questions with respect to your qualifications to sit on this jury, I would like to ask all of you, Mr. Morris in the box and the rest of the jurors on the panel, are there any jurors present who have not participated as a juror before today? Please raise your hands. I will ask you to stand, perhaps that is easier. Your name, madam?

Voice: Doris Waddell.

The Court: Your name, sir?

Voice: Peter Christian Peterson.

The Court: Mr. Peterson, is this your first day on the jury?

The Juror: No, I was here a week before.

The Court: And you have not served on any case at all?

The Juror: One, but it was settled out of court.

The Court: Settled during the trial?

The Juror: Yes.

The Court: And you, madam?

[fol. 210] **Voice:** I just began yesterday and I haven't served on a case.

The Court: Thank you. Please be seated. Have either of you two who just were standing not read the pamphlet information to the jurors that was handed out to you, if it was, by the Presiding Judge?

Voice: I have read it.

The Court: Thank you. The case presently in this department is entitled the State of Washington, Plaintiff, vs. David D. Beck, also known as Dave Beck, Defendant. It arises from an indictment by the Grand Jury stating as follows:

He, the said David D. Beck, also known as Dave Beck, in the County of King, State of Washington, on or about the

3rd day of February, 1956, then and there having in his possession, custody or control as agent, bailee, employee, servant, officer or trustee, certain personal property, to-wit: the sum of \$1900.00 lawful money of the United States, the property of the Western Conference of Teamsters, an unincorporated association organized as a labor union, the said \$1900.00 being derived from the sale to one Martin B. Duffy on or about the 30th day of January, 1956, of one 1952 Cadillac automobile, motor number 526004746, the property of said Western Conference of Teamsters, the said David B. Beck, also known as Dave Beck, in the County of King, State of Washington, on or about the 3rd day of February, 1956, then and there did wilfully, unlawfully and feloniously secrete, withhold or appropriate the said \$1900.00 to his own use with intent to deprive and defraud [fol. 211] the owner thereof;

Contrary to the statute in such case made and provided, and against the peace and dignity of the State of Washington.

To this indictment the defendant has entered a plea of not guilty. Endorsed as witnesses in this matter are the following persons: M. J. Devine, Frank E. Dutton, M. B. Lake, Martin B. Duffy, Donald D. McDonald, Ken Eline, David L. Forrest, Alfred Roger Hill, Charles V. Leaf, Carl E. Houston, Ludwig Lobe, Samuel B. Bassett, Frank W. Brewster, Marcella M. Guiry, William H. Marx, Russell Schley, Louise Sartor, E. E. Hepper, J. J. David, Roger Jones and William F. Devin.

We are now engaged upon, ladies and gentlemen, I am speaking particularly to Mr. Morris and the new members of the panel who have just been sworn, you are now engaged in the process of selecting the jury in determining whether or not when called you are qualified to sit as a juror in this case. I ask you therefore to give close attention to all of the remarks of the Court and counsel in the explanation I am now giving and will give and in the future during this period of time, even though my questions may be particularly directed to Mr. Morris at the moment, I will expect to have you respond to those questions, perhaps if you are called in the future, and thus ask you to pay close attention to them. To these questions to you, Mr. Morris,

will you please answer them—first, though, however, I would like to introduce to all of you present the participant [fol. 212] pants in this trial. The State of Washington is represented by the Prosecuting Attorney, Mr. Charles O. Carroll. Mr. Carroll, please. Thank you.

Deputy Prosecuting Attorney, Mr. Laurence D. Regal; Mr. Regal.

Assisted by Deputy Prosecuting Attorney, Mr. Charles Smith.

The defendant, Mr. Dave Beck; Mr. Beck, will you stand? Thank you.

He is represented by Mr. Charles Burdell, and Mr. John Keough, assisting. Thank you.

I would like to ask you, Mr. Morris, now, have you heard of this particular case before?

The Juror: Yes.

The Court: Do you know the defendant?

The Juror: No, not personally.

The Court: Are you or have you ever been a member of an organization directly or indirectly connected with the Western Conference of Teamsters?

The Juror: Not with the Western Conference. I have been a member of the Teamsters.

The Court: What union or local of the Teamsters?

The Juror: Local 174 and also I think it was 44, the garage helpers, I think it is.

The Court: Have you as a juror sat through a criminal case completely?

The Juror: Not completely.

The Court: Have you as a juror sat through or participated in a civil case completely?

[fol. 213] The Juror: Yes.

The Court: How long have you been on the jury panel?

The Juror: This is my fourth week.

The Court: It may be necessary, it is necessary in this case and the Court has decided to confine the jury from the time of the selection and swearing in of the jury when finally selected to the end of the case. During such confinement the jury will be attended by two bailiffs and will be the particular concern of the Court in the arrangements made for their care. The jury is and will be residing in

dormitories provided in this building and will be fed at various hotels and restaurants and other public eating places in the vicinity. During that confinement it will be necessary and will be ordered by the Court that the jury will not have access to newspapers or radio or TV or other magazines, books, public communications. Of course, prior to being confined you will have an opportunity through the bailiffs of obtaining personal needs and also have the opportunity through the bailiffs of contacting personal families or relatives necessary to their or the jurors' comfort. I am sure that those who have participated in such events, if you haven't before, will not feel that you have been uncomfortable except as it may be uncomfortable to be confined or uncomfortable to be living in a dormitory situation with other persons.

Is there any reason that you know of that would prevent you, different than other jurors, from performing [fol. 214] that duty?

The Juror: No, I think not.

The Court: I would like now to take a moment, ladies and gentlemen, to explain to you that the trial of a criminal case is different from that of a civil case in two very important respects. In a civil case, the plaintiff must prove his case by a preponderance of the evidence, which merely means a greater weight of the evidence, while in a criminal case, such as this, any criminal case, the State must prove its case beyond a reasonable doubt, which is a far greater degree of proof. The second principal difference is in a civil case ten of the jury may agree upon a verdict, whereas in a criminal case the law requires that all twelve agree in order to render a verdict. The procedure otherwise in a criminal case is the same essentially as a civil case in which you, as I have determined by that question, have participated. It is presumed that when a jury has been selected by each side the jurors will keep their minds open until the case is finally submitted to them and it is presumed that it is the jurors' duty to accept the instructions of the Court as to the law, without question, whether you agree with the law or not. In accepting the instructions of the Court the jury must base their decision on the law and the facts uninfluenced by any other consideration.

Now the purpose of the questions and examining you as to your qualifications to sit upon a jury in this case is to determine whether or not you have that frame of mind. [fol. 215] I will again turn to Mr. Morris for the answers to these specific questions but ask all of the panel to pay attention.

Do you, Mr. Morris, have any information regarding the particular offense here charged?

The Juror: Only what I have read in the papers.

The Court: Have you talked with anyone who claims to have had any firsthand information regarding the offense?

The Juror: No.

The Court: Has anyone ever expressed to you an opinion as to the guilt or innocence of the defendant of this charge?

The Juror: No, I think not.

The Court: Now I would like to inquire and pose you a question in a few moments concerning the possibility, I am assuming from your present answer, that you have read about this matter, this particular case or about something connected with this case or the defendant in the newspapers, or heard something on the radio, or heard and seen something on the television. I am going to question you on that subject, but before I do so, I wish to explain that the mere fact that you may have read something or heard something or seen and heard something by those media or otherwise, in those various types of communications, an account of the crime here alleged or an account of something else, does not necessarily in and of itself disqualify you from serving upon the jury. If that were the law, if it were to be held that way, then it would be obvious the result would [fol. 216] be that jurors would be composed of people who cannot read or hear or see. The very statement, of course, in stating it sounds ridiculous.

The test in this matter is not whether you have read or heard or seen something about the alleged occurrence in some of those media I have mentioned, newspapers, radio or TV, but whether if you were drawn on the jury you are able to enter upon the trial with an open mind and disregard that that you have read, heard or seen in that nature

and decide the issue here entirely and purely upon the evidence received at this trial and the instructions of the Court as to the law.

To put the same idea another way, you might say that this question is, do you now have an opinion or an expression as to the guilt or innocence or do you have an impression now as to the guilt or innocence of the accused which would require evidence to remove from your mind? If you do have such an opinion or impression, it is not fair, it is unconstitutional, improper under our system for you to sit upon the jury in any event. Neither side in any case should have the burden of having to remove from your mind preconceived opinions or impressions or bias opinions already formed. Everyone knows that impressions that they have received from what they have read in the newspapers or heard on the radio or seen or heard on the TV are not always true and would not rest a decision upon such an impression without a more formal and more convincing type of proof.

Now with respect to this matter, Mr. Morris, from what [fol. 217] you have read or heard or seen, do you feel that you have in your mind an opinion or impression as to the guilt or innocence of the defendant or such an opinion, as would require evidence to remove? If you do, please say so.

The Juror: Well, I feel my mind is free and clear on the issue at court. There is some doubt in the past, I mean as far as the other hearings and whatnot, I don't know whether I can clear those out of my mind or not.

The Court: Is there anything about the nature of this case, the kind of a case it is, that would cause you to start in a trial with any bias or prejudice either one way or the other?

The Juror: I think not.

The Court: Do you know of any reason why you could not try this case impartially?

The Juror: No, not other than what I have stated. As far as the case itself, no.

The Court: I will ask you a question in a moment that requires you to make some assumptions. Assuming you were in the position of the Prosecuting Attorney charged

with the responsibility of handling this case for the State of Washington, or you were in the position of the defendant's counsel and could look into the minds of the twelve jurors in the jury box as you can look into your own mind, would you be willing as such counsel to submit a case of like importance and seriousness to twelve men and women in the same frame of mind that you are in at this time and feel [fol. 218] sure that you would have a fair and impartial trial?

The Juror: (Shakes head.)

The Court: All right, sir, you may be excused. The Clerk will please call another juror.

The Clerk: Gertrude E. White, 4310 Woodlawn.

The Court: Miss or Mrs. White?

The Juror: Mrs.

The Court: All right. Mrs. White, were you present in court and sworn with the rest of the jurors just a few moments ago?

The Juror: Yes, sir.

The Court: Did you hear the Court's brief explanation of the case and the introduction of the parties and counsel and names of the witnesses?

The Juror: Yes, I did.

The Court: Did you hear and understand the questions that I asked Mr. Morris just a few moments ago entirely? All the questions?

The Juror: Yes, I did.

The Court: Would you have answered any of those questions by saying yes or raising your hand?

The Juror: Well, I would like to say, your Honor, that my husband has been in a very, very serious accident and he is going to have an operation, his right hand is going paralyzed and he is going to have an operation in the next week or ten days to keep his hand from going further paralyzed, and I just feel like I should not be tied up on the jury. He has had very, very serious injuries and I am a registered nurse and the doctor wants me to keep an eye on him.

[fol. 219] The Court: When did he have this accident?

The Juror: He had it in February. He had a brain injury, a whiplash neck injury, and other injuries.

The Court: Has he been disabled since then?

The Juror: No, he is working now. He was disabled for, I guess, about three months but he just isn't well at all.

The Court: When was the operation decided upon?

The Juror: Well, it will be the middle of December by the neurosurgeon.

The Court: When was the decision to have it decided?

The Juror: Well, let's see, just last week.

The Court: You may be excused.

The Juror: Thank you.

The Court: The Clerk will please call another juror.

The Clerk: Miriam Smith, 1800 Taylor Avenue.

Mr. Regal: First name, please?

The Juror: Miriam, M-i-r-i-a-m.

The Court: Miss or Mrs. Smith?

The Juror: Mrs.

The Court: Were you present in court and sworn with the rest of the jurors, Mrs. Smith?

The Juror: Yes, sir.

The Court: Did you hear the Court's general brief explanation of the case and the introduction of the parties and counsel?

The Juror: Yes, sir.

The Court: Did you hear and understand the questions [fol. 220] that the Court asked Mr. Morris?

The Juror: Yes, sir.

The Court: Would you in response to any of those questions have answered yes or raised your hand?

The Juror: No, I don't think—no, I would have answered in the affirmative.

The Court: You would have answered yes to some of those questions?

The Juror: No, no, I am kind of confused now.

The Court: Do you remember the questions?

The Juror: Yes, I do.

The Court: Would you like me to repeat some of them or all of them?

The Juror: No.

The Court: Is there any reason from the nature of this case from what you have heard—

Mr. Burdell: Excuse me, Your Honor. I was going to approach the Court. I wonder if Counsel and I could have a brief recess for about three minutes and discuss a matter in chambers with you? Mr. Regal and I. I think he concurs.

Mr. Regal: That is satisfactory with me.

The Court: Court will be at recess for five minutes.

(The following occurred in chambers:)

Mr. Burdell: Outside there, there were a bunch of photographers and camera people and Beck has been coming up the stairs to avoid as much of that as he can, [fol. 221] and when he came back this noon there was a bunch of photographers there and as I understand it, Larry and I both heard it from some reporters, when he came upstairs there were a bunch of flashbulbs went off, photographers there, and he grabbed the woman who was on the side and said, "Get in the picture here," and it was this one.

Mr. Regal: He said, "Here, do you want your picture taken?" He could have either flattered her or ingratiated himself, I don't want to take any chance.

Mr. Burdell: Obviously he shouldn't have done it. On the other hand I can understand how it would happen.

Mr. Regal: Surely, he is nervous.

Mr. Burdell: Maybe we should go ahead—I don't know.

The Court: Well, I feel that without deciding it at the moment, so you will have an opportunity to talk about it, that she should be excused just so that we don't get into all this question of either side. It is not going to do anyone any good here or someplace else.

Mr. Burdell: If we could work it out, I prefer that she not be asked any questions which would result in her volunteering that anything, one way or the other, it could work out either way naturally.

Mr. Regal: What I would like to do is to have us question her in the regular fashion and then at the recess notify the bailiff that she has been excused by the Court and the Court can make a discussion on the record that she has been excused by the Court by agreement of both [fol. 222] counsel, and it is already taken care of here

anyway, and then there will be no embarrassment as far as she is concerned, no question. They will call another juror to replace her. They will think it is a health reason, at recess.

Mr. Burdell: What time is it now?

Mr. McFeely: Ten past 2:00.

The Court: It would result, I am afraid, in some delay.

Mr. Regal: Can we pass her over?

Mr. McFeely: Why can't the Court excuse her after he questions her and go ahead without explanation?

Mr. Regal: It would be embarrassing to her. I would like to do it surreptitiously.

The Court: I had the impression I was going to have to be more specific with her to have her understand what I am saying so I was going to—I mean, I want to be sure she does.

Mr. Regal: Let's go on with her and see if we can't challenge her or else do it at the recess.

Mr. Burdell: I would just as soon do that. I don't want to say anything to offend her—or we can take a recess.

The Court: I think it is wise not to just go out and excuse her but I think I will ask her some questions which have nothing to do with the subject which we just discussed but I will conclude by asking her age. I think that will take care of it in open court.

[fol. 223] (The following occurred in open court:)

The Court: We will resume, Mrs. Smith, with the examination with respect to your qualifications to sit upon this jury. I was not clear as to the answer to my last question. Perhaps I didn't put it properly because of the reference to Mr. Morris. I asked Mr. Morris some general questions to which he could have responded yes, such as, had he heard of the case before, does he know the defendant, about whether or not he has any first-hand information concerning the case, and I asked him to assume some matters, if he were in the position of the Prosecuting Attorney or the defense counsel and could look into the

minds of the twelve jurors as you can look into yours, and then I also asked him questions, explaining that the jury would be confined for some length of time, not an unreasonable length of time, and arrangements made for that, all of which could be answered either yes or no. And I asked him to answer if he were to answer those yes, to please indicate either by raising his hand or saying yes. What I want to ask you first is whether or not you had heard and understood those questions.

The Juror: Yes, I did.

The Court: Do you have them presently in mind?

The Juror: Yes, I do.

The Court: Would you, if you had questions directed to you then as they are now, have answered any of those questions by saying yes?

The Juror: Yes, the first one, I have read—

[fol. 224] The Court: You have heard of the case before, is that correct?

The Juror: Yes.

The Court: Any other of the questions that you would have answered yes?

The Juror: Well, in my frame of mind I would not like to have the jury.

The Court: I see. Well, thank you. You may be excused. The Clerk will call another juror.

The Clerk: James G. Charles, 15709 Palatine.

The Court: Mr. Charles, were you present in court and sworn with the rest of the jurors?

The Juror: Yes, I was.

The Court: Did you hear the Court's general brief explanation of the case and the introduction of the various participants?

The Juror: Yes, I did.

The Court: Did you hear and understand the questions that I put to Mr. Morris?

The Juror: Yes, sir.

The Court: In answer to any of those questions that I put to him, would you have raised your hand in answering yes?

The Juror: Yes, I would.

The Court: Which questions?

The Juror: I have heard of the case before, that is to be tried, sir.

The Court: That is the first question, about having heard of it before.

The Juror: Yes, sir.

[fol. 225] The Court: Any of the other questions that you would have answered with yes?

The Juror: I don't remember the exact wording of all the questions, sir.

The Court: At the time of my asking the questions, did you feel that you would have answered any one with a yes? Do you recall having that impression? Is there anything in your mind now that gives you any doubt as to whether you can be fair and impartial in this case?

The Juror: Sir, there has been a great deal of publicity on this particular case and on the Teamsters in general and in the past I have been a member of the Aeromechanics, at Boeing's, and truthfully, sir, I would myself not wish to be in the position of a juror where a person who has been exposed to as much comemnt as I have, would be.

The Court: Well, the question on that subject that I posed to Mr. Morris was, do you feel that you have in your mind an opinion as to the guilt or innocence of the defendant to such an extent that it would require evidence to remove that opinion?

The Juror: Yes, sir, I do.

The Court: You may be excused.

The Juror: Thank you.

The Court: The Clerk will please call another juror.

The Clerk: James P. Hubbell, 4222 Fifth Northwest.

The Court: Mr. Hubbell, were you present in court and [fol. 226] sworn with the rest of the jurors?

The Juror: Yes, sir.

The Court: Did you hear the Court's explanation in a general way of the case and introduction of the participants?

The Juror: Yes, sir.

The Court: Did you hear and understand the questions that I asked Mr. Morris?

The Juror: Yes, sir.

The Court: Would you have raised your hand in answer to those questions or indicated a "yes" to any of them?

The Juror: The first one.

The Court: The first one, having heard of the case before?

The Juror: Yes.

The Court: Is there any reason because of the nature or kind of case this is that you would start in with the trial with any bias or prejudice whatsoever?

The Juror: No, sir.

The Court: Do you know of any reason why you could not try this case fairly and impartially?

The Juror: No, sir.

The Court: Gentlemen, you may inquire.

Voir dire examination.

By Mr. Regal:

Q. Mr. Hubbell, what kind of work do you do, sir?

A. Industrial engineer, Boeing Airplane Company.

Q. How long have you been at Boeing's?

[fol. 227] A. Six and a half years approximately.

Q. Where were you before that?

A. Before that I taught a year in business college in Olympia, Dietz Business College in Olympia, Washington.

Q. And you taught an engineering course there?

A. No, it was accounting.

Q. Oh, accounting; and before that, sir?

A. I was working part time in the school.

Q. Part time where?

A. In Olympia.

Q. What kind of work?

A. Accounting work.

Q. Accounting work?

A. Yes.

Q. And you attended school in Olympia?

A. Yes.

Q. What school was that?

A. St. Martin's College.

Q. St. Martin's?

A. Yes.

Q. How old are you, Mr. Hubbell?

A. 42.

Q. Are you married, sir?

A. Yes.

Q. Any children?

A. Three.

Q. How old are they?

A. Fourteen, eleven and nine.

A. They are all attending school in Seattle.

A. They are all attending school in Seattle.

[fol. 228] Q. Does your wife work?

A. No.

Q. Except take care of the children?

A. That's right.

Q. And has she ever worked during the time you have been married to her?

A. Only a short time during the war.

Q. What kind of work was that?

A. She worked as a dispatcher for a cab company and she owned and operated a small restaurant for one year.

Q. Not at the same time, different times?

A. No, different times.

Q. Did she ever belong to a union?

A. I am not sure. I think she was probably a member of the Waitress or Restaurant Workers' Union, there is a union, I think, by that name.

Q. And when she was with the cab company was she a member of any union?

A. No.

Q. Has she ever had any difficulty with union people or union officials?

A. Not to my knowledge.

Q. As far as you know?

A. Not to my knowledge.

Q. Have you ever belonged to a union?

A. No.

Q. Now, before you went to school at St. Martin's what kind of work did you do?

A. I was teaching business subjects, the same business college, and doing accounting work.

[fol. 229] Q. I see. Did you take your schooling here in the State of Washington?

A. Part of it. I finished my college work here in the State of Washington.

Q. University of Washington or St. Martin's?

A. St. Martin's.

Q. What degree did you take?

A. Bachelor of Arts in political science.

Q. Political science?

A. Yes.

Q. And you have had accounting work and you did engineering work?

A. I have not had engineering work as such. I have a minor in mathematics and I do have some understanding of the subject.

Q. I see. Has all your work been along that line ever since you got out of school?

A. Yes.

Q. And before you went to St. Martin's, you did that at the same time you did the accounting work?

A. I did, yes.

Q. Have you ever served on a jury trying a criminal case before?

A. No.

Q. This is your second or fourth week?

A. This is my second week, sir.

Q. And I forgot to ask you this, this is one of the general questions that I addressed to the whole panel when we first started yesterday. You weren't here then, were you?

[fol. 230] A. No.

Q. Have you or any member of your family or any close friend ever been involved in a criminal case in any way, that is, as a victim, as a witness, or in any manner whatsoever?

A. Not to my knowledge.

Q. And do you know of the—I don't know whether the Judge asked this or not. Do you know any of the witness' names?

A. Not personally. I know of them.

Q. Some of them?

A. Yes.

Q. But what you know of them is not going to influence your determination as to their veracity or it is not going to influence you at all in your judgment of this case?

A. No.

Q. You don't have any feeling of animosity or feeling of special interest in any one of the witnesses that you do happen to know of?

A. I do not.

Q. Have you done any accounting work for any organization, any labor organization of any kind?

A. No.

Q. Never been connected in any way with them?

A. I have not.

Q. Are you a CPA?

A. No.

Q. Do you know any of the counsel here, do you know Mr. Burdell, Mr. Keough, or any members of Mr. Burdell's [fol. 231] firm?

A. I do not.

Q. Do you know Mr. Carroll, the Prosecuting Attorney?

A. I don't know him personally.

Q. You know of him?

A. Yes.

Q. And you don't know me or Mr. Smith?

A. No.

Q. Or any member of the Prosecutor's staff as far as you know?

A. No.

Mr. Regal: Pass for cause.

Voir dire examination.

By Mr. Burdell:

Q. Mr. Hubbell, what type of accounting work did you do?

A. It was general accounting for small businesses.

Q. Various types of small businesses?

A. Yes.

Q. Was it that you were not employed by one company but you were working as an accountant for them?

A. More or less on my own.

Q. Yes, and auditing or checking the books of the company?

A. There was no auditing involved, it was keeping the ledgers and making the tax reports and work of that nature.

Q. I see. Now, how long did you do that?

A. Oh, intermittently for perhaps four years.

Q. That was one of the types of accounting services where you go from one company to another and actually do [fol. 232] assorted bookkeeping and accounting work?

A. That's right, I had a definite arrangement with three or four different ones and it only involved a few hours a week.

Q. Then how long did you teach accounting?

A. One year.

Q. One year?

A. Yes.

Q. Now, I think you said you heard about this case. Have you heard considerable from time to time about the Teamsters' Union and about Mr. Beck? Have you heard discussions, newspaper reports, television reports, things of that sort?

A. Yes.

Q. And some of them, some of the things you have heard have been reports or discussions or assertions of a nature adverse to Mr. Beck, I take it?

A. Yes.

Q. Now, what impression or opinion, if any, was formed in your mind as a result of those discussions, what opinion exists there now as a result of these discussions?

A. Well,—

Q. Put it this way, have those assertions or claims in any way caused you to have any feeling whatsoever of bias or prejudice against Mr. Beck or against the Teamsters' Union?

A. Well, I don't know whether you could call it bias or prejudice or not. I have formed opinions. I do not approve of some of the practices which it seems has been carried on.

[fol. 233] Q. Well, now, you say you don't approve of the practices. Would your disapproval, do you think—

The Court: In reference, Mr. Burdell, to some—

Mr. Burdell: I understand that, Your Honor.

I should have corrected my statement.

Q. Mr. Hubbell, would your disapproval of some of these practices create or have they created any opinion in your mind which you think might require me to introduce some evidence to overcome in connection with this case?

A. I don't think so at all in connection with this case.

Q. Do you think that your disapproval—would you have to set aside this disapproval which you think you have in order to consider this case?

A. As far as this case is concerned, I don't think it would affect that at all.

Q. But you would have to set aside some feeling of disapproval?

A. Oh, I wouldn't say I wouldn't, but I don't feel that I would be impartial at all as far as the fact in this case is concerned. When I say that, I am considering the fact that there might—you know—when I say that I am leaving open the possibility there might be some unconscious feeling there but I don't really think there would be.

Mr. Burdell: Will the Reporter please read back the last answer?

(The last answer was read by the Reporter.)

Q. Did you mean to say that you did not think you could be impartial?

A. I meant to say I thought I could be impartial.

[fol. 234] Q. That's right. Well, now, do you believe, Mr. Hubbell, that in being impartial you would be in a situation where we would have to demonstrate to you that some of these things that you have heard are wrong?

A. Well, I don't think it would enter into this case. I have formed no opinion whatever as far as this case is concerned. I don't think there would be any difficulty at all in hearing the evidence as it is presented.

Q. Then you think as far as this case is concerned you could close your mind to everything else you may have

heard of which you disapprove and sort of consider it as never having been said or heard by you, is that correct?

A. Yes, sir, I think so.

Q. Have you ever expressed to anyone to your recollection any hostility or disapproval concerning Mr. Beck or concerning the Teamsters' Union?

A. Well, yes, I possibly have.

Q. And has that been recently?

A. No, I don't think so.

Q. I mean, has that been within the past few months?

A. Yes, it would have been within the past few months, yes, the past year.

Q. And have those expressions of disapproval been made generally to friends or within your family or has it been somewhere else? Has it been in connection with your business or—

A. No, it hasn't been in connection with my business. It would be in general discussion with friends.

Q. And as I understand it, those expressions of disapproval, [fol. 235] would they relate to the policies of Mr. Beck as president of the International Brotherhood of Teamsters?

A. Well, I don't know whether you would call it policies or not. It would have to do with some of the—the way some of the affairs have been conducted.

Q. I take it then your disapproval is based upon some reports that you have heard that the affairs of the union have not been conducted properly, is that correct?

A. Well, some of the things that I have heard I tend to take with a grain of salt because it has been brought out, some of the things are stated in the newspapers and places like that, are very often biased. I try to consider it that way but just observing the general trend of events, the way things have transpired, I drew certain conclusions.

Q. Well, as I understand it, you think you can take some of the things with a grain of salt but yet you have reached certain conclusions. Now, have these conclusions that you have reached, or do they in any way relate to,—let's say assertions by the McClellan Committee, that funds have been misused by officers of the Teamsters' Union?

A. Well, I suppose they might have. They probably have to some extent, yes.

Q. Well, of course, you understand that if you have reached a conclusion with respect to the assertions that funds have been misused you have reached a conclusion about the very things we are going to try in this case. Do you understand that, Mr. Hubbell?

A. I don't think it would necessarily be true, at least not [fol. 236] to my way of looking at it. This refers to a specific instance, a specific event on which evidence will be brought to bear and I don't think one will necessarily follow from the other.

Q. What I am afraid of is that your thinking that, even though the State does not prove its particular case, that funds have been misused nevertheless in some other cases—

A. Maybe I can clarify myself.

Q. Surely.

A. No. There has been now—there has been a lot of adverse publicity and I don't know, of course I haven't actually formed a sure opinion as to whether or not funds have been misappropriated but it is pretty evident that some of the things that have transpired has brought a lot of adverse publicity to the Teamsters' Union and to the labor movement in general which I think is an unfortunate thing. I don't know, as I say, I haven't even formed a definite opinion as to whether or not funds have been misappropriated. That would still have to be proven. But there has been a lot of evidence brought out to indicate such could have been the case.

Mr. Burdell: I am going to ask that this juror be excused at this time.

The Court: Your present impression from all that has transpired here is such that there is something in those impressions that would require the Prosecutor or the defense to remove from your mind?

The Juror: I don't think so.

[fol. 237] The Court: Give special attention to this question. If you were in the position of the Prosecuting Attorney charged with the duty of prosecuting this action for the State, or if you were in the position of Mr. Burdell and his associates, charged with the defense of this charge,

of course the matter is of the utmost and extreme importance to you in such a position, and if you could look into the minds of the twelve jurors as you can look into your own mind, would you in their position be willing to accept a juror with twelve minds in your present state of mind?

The Juror: Well, looking into my own mind, yes, I would. However, if I were in Mr. Burdell's position I can see why he might have some doubt.

The Court: Thank you for your answer, sir. You may be excused.

The Clerk will please call another juror.

The Clerk: William N. Stark, 8303 Juanita Drive, Kirkland.

The Court: Please be seated, Mr. Stark. Were you present in court and sworn with the rest of the jurors?

The Juror: With the second group.

The Court: The second group today, is that correct?

The Juror: That is right.

The Court: Did you hear the Court's brief general explanation of the case and the introduction of the parties and counsel?

The Juror: I did.

[fol. 238] The Court: Did you hear and understand the questions that I posed to Mr. Morris?

The Juror: I think I did.

The Court: Would you, if you had been called upon then to answer those questions and now as you are, have answered yes to any of those questions?

The Juror: I would have answered yes.

The Court: To what question?

The Juror: I would have answered yes, that I have heard discussions of this case.

The Court: The first question about hearing of the case before?

The Juror: And I am quite surprised myself to find that on the question I would answer yes, to the question as to whether there might be some bias which would have to be overcome by one side or the other.

The Court: All right, sir, you may be excused.

The Clerk will please call another juror.

The Clerk: Cary N. Meyers, 1670 Magnolia Boulevard.

The Court: Mr. Meyers, were you present in court and sworn with the rest of the jurors?

The Juror: Yes, I was.

The Court: Did you hear the Court's general explanation of the case and introduction of the parties and counsel?

The Juror: Yes.

The Court: Did you hear and understand the questions that the Court posed to Mr. Morris today?

The Juror: Yes.

[fol. 239] The Court: Would you have answered any of those questions by raising your hand or in the affirmative?

The Juror: As others have said, I have read of the incidents involved but only in a very casual way and I don't think that would make any impression on my mind.

The Court: There is an additional matter that I wish to go into, Mr. Meyers, not because the Court places any importance on it but because I wish you all to know. You and I have been personal friends for a number of years, is that correct?

The Juror: Yes, sir.

The Court: And I have disagreed with you on occasion on matters of principle where we have been associated, is that correct?

The Juror: Very seldom.

The Court: And you have disagreed with me on many occasions where we have been associated, is that correct?

The Juror: Yes, I don't remember, well, let it go at that.

The Court: That is correct, isn't it?

The Juror: Yes.

The Court: Is there any question in your mind that matters that I as the Court would instruct the jury as to the law, would you have any difficulty in accepting what I say to be the law?

The Juror: No.

The Court: Is there anything from the nature of this [fol. 240] case that would make you start into this trial with any bias or prejudice whatsoever, the kind of case it is?

The Juror: No.

The Court: Do you know of any reason in view of all that has transpired in your presence why you could not serve impartially and fairly in this case?

The Juror: I think the possibility is that my business is such that I may have a bias in the back of my mind.

The Court: Gentlemen, you may inquire.

Voir dire examination.

By Mr. Regal:

Q. Mr. Meyers, your occupation, sir?

A. I am the owner of Bremerton Oil Delivery.

Q. And how long have you been in that business?

A. Twenty years.

Q. And prior to that, sir?

A. I managed the American Bank Building, then, American Building now.

Q. How long did you do that, sir?

A. I guess eight years.

Q. Prior to that?

A. Metropolitan Building Company.

Q. Same sort of work?

A. Yes, sir, building manager.

Q. Have you ever been a member of any labor organization?

A. No, sir.

Q. Do you know the defendant?

[fol. 241] **A.** No, sir.

Q. Do you know the defendant's counsel?

A. No.

Q. Do you know Mr. Carroll, the Prosecuting Attorney of King County?

A. Know him by sight.

Q. You don't know any of the members of his staff?

A. Here?

Q. Well, in other places, I mean other members of his staff that work for him?

A. Not intimately, no. I may know them casually.

Q. Yes, and you are married, Mr. Meyers?

A. Yes, sir.

Q. Children?

A. Three adult children.

Q. How old are they, sir?

A. Gosh, I can't answer that.

Q. Well, boys or girls, we will forget the age. I forget the age of mine all the time and they are not old.

A. All right, we are even. 25, 28 and 31.

Q. Boys?

A. Boy, girl, and boy.

Q. Let's start with the 25-year-old.

A. Boeing Airplane personnel work.

Q. That is the boy?

A. Yes.

Q. How long has he been there?

A. Oh, a year.

Q. What other types of work has he done?

A. Purchasing with Northern Commercial Company.

[fol. 242] Q. Has he ever had any union affiliation or any union problems?

A. No.

Q. The 28-year-old, is that the girl?

A. Yes.

Q. Does she work?

A. No.

Q. Is she married?

A. Yes.

Q. What does her husband do?

A. He is health officer of Shasta County, California.

Q. Of course she lives down there. Now, there have been no problems there with unions or anything of that nature. Now the 31-year-old boy.

A. He is, I would say, the manager of my business.

Q. He does the work?

A. He does the work. I get the pay.

Q. That is the way it goes. Now, he is married?

A. Yes.

Q. He has children?

A. Yes.

Q. He has not had any union affiliation of any kind?

A. No.

Q. And he knows none of the parties here?

A. No.

Q. Are you presently the manager of the American Bank Building or American Building?

A. No.

Q. Your business is solely this Bremerton Oil?

A. Yes.

[fol. 243] Q. And you do have Teamster people working for you, don't you?

A. Yes.

Q. Driving your trucks?

A. Yes.

Q. Have you had any trouble with them at all, or any problems with your men because of the union affiliation?

A. No.

The Court: May I hear your answer, Mr. Meyers?

The Juror: Excuse me. No.

Q. Thank you. When were you manager of the American Building, American Bank Building, what years were they, do you recall?

A. Well, up to '37. I went to Bremerton in '37.

Q. Up to '37?

A. Yes.

Q. That is the building over on Madison Street?

A. Second and Madison.

Q. Second and Madison. It is now called the American Building but it was American Bank Building years and years ago?

A. That's right; that's right.

Mr. Regal: I will pass Mr. Meyers for cause, Your Honor.

Voir dire examination.

By Mr. Burdell:

Q. Mr. Meyers, you said something just before Mr. Regal continued his interrogation to the effect you thought because of the nature of your business you might be biased. [fol. 244] Did you really mean that you were biased or were you being hyper-cautious? Do you think you are biased or were you just being very careful?

A. I am afraid I am biased.

The Court: You may be excused. The Clerk will please call another juror.

The Clerk: George S. Gilbert, 123 West Highland Drive.

The Court: Mr. Gilbert, were you present in court and sworn with the rest of the jurors today?

The Juror: Yes, sir.

The Court: Did you hear the Court's brief explanation of the case and introduction of the parties and counsel?

The Juror: Yes, sir.

The Court: Did you hear and understand the questions that the Court asked Mr. Morris?

The Juror: Yes, sir.

The Court: Would you have answered any of those questions by yes or by raising your hand?

The Juror: Yes, only the first one.

The Court: That you have heard of the case before, is that right?

The Juror: Yes.

The Court: Any of the other questions?

The Juror: No, sir.

The Court: Is there anything from the nature or kind of case that this is that would lead you to start into this trial with any bias or prejudice whatsoever?

The Juror: No.

[fol. 245] The Court: Do you know of any reason why you could not try this case impartially?

The Juror: No, sir.

The Court: Gentlemen, you may inquire.

Voir dire examination.

By Mr. Regal:

Q. Mr. Gilbert, what is your occupation, sir?

A. Custodian to the Scottish Rite Temple.

Q. How long have you been there, sir?

A. About two months.

Q. What kind of work did you do before that?

A. I was custodian at the Eagles for two months.

Q. How long?

A. Two months.

Q. Before that?

A. I worked six months at Victoria Apartments.

Q. Six months at Victoria Hardware?

A. Apartments.

Q. Victoria Apartments. And before that?

A. Retired.

Q. And what did you retire from, sir?

A. I had a lady's ready-to-wear shop here in Seattle.

Q. What is the name of that?

A. Mills & Malan.

Q. How long were you in that business?

A. Ten years.

Q. And prior to that time what business were you in?

A. I had a store on Fifth and Pine, same kind of a store for about four years.

[fol. 246] Q. Have you been in that sort of work during most of your working career?

A. No.

Q. Tell us what other types of work you have engaged in.

A. I had a gasoline station for several years but previous to that I went to sea as an engineer for quite a few years.

Q. Did you ever belong to a labor union?

A. Marine Engineers.

Q. That is the only one?

A. No, I belonged to the Building Maintenance Union, joined that when I took this custodian job, about a year ago.

Q. Nothing in those experiences that would tend to influence you here in a case of this nature?

A. No, sir.

Q. None whatsoever?

A. No, sir.

Q. One way or another?

A. No, sir.

Q. Have you served on a jury trying criminal cases before?

A. I served on a jury about 1940. I don't remember if we had any criminal cases or not.

Q. That was a different panel at a different time?

A. Yes.

Q. Nothing occurred at that time to tend to influence you in this case?

A. No, sir.

Q. Are you married, Mr. Gilbert?

A. No, sir.

[fol. 247] Q. Have you ever been married, sir?

A. Yes, sir.

Q. Do you have any children?

A. No, sir.

Q. No children. All right. How long have you lived in the Seattle area?

A. Since 1918.

Q. And what is your home state?

A. Minnesota.

Q. Have you lived in any other states?

A. I lived in Missouri a couple of years before I came to Seattle.

Q. Now, have you or any member of your family or close friend or relative ever been involved in any fashion in a criminal case, either as a victim or witness or any other matter?

A. No, sir.

Q. And do you know any of the counsel here at the counsel table?

A. No, sir.

Q. Do you know Mr. Burdell's associates?

A. No, sir.

Q. I don't know whether I have named them or not. Did you hear me read Mr. Burdell's associates?

A. I don't remember.

Q. I will read them to you and see if you know any of these people. Mr. William Ferguson, William Wesselhoeft, Phil DeTurk, or Dennis McFeeley?

A. No, sir.

Q. You don't know Mr. Carroll or any of his deputies?

[fol. 248] A. No, sir.

Mr. Regal: Pass Mr. Gilbert for cause, Your Honor.

Voir dire examination.

By Mr. Burdell:

Q. Mr. Gilbert, did you say, I didn't understand what you said was the location of the ladies' store.

A. 1305 Fifth Avenue.

Q. You owned that store, did you, for some time?

A. Yes, sir.

Q. How long did you own it?

A. Sold it two years ago.

Q. How long had you owned it?

A. About ten years.

Q. Did you operate it yourself?

A. Yes, sir.

Q. And manage it yourself?

A. Yes, sir.

Q. How many employees did you have in the store?

A. Three or four.

Q. Three or four?

A. Yes.

Q. Did you have a particular employee to handle your bookkeeping and accounting or did you do that yourself?

A. I had an auditor, bookkeeper.

Q. Bookkeeper, and was that a regular employee?

A. No, he just came in every week and figured up what it was.

Q. He came in every week and handled all your books for [fol. 249] you, is that right?

A. Yes.

Q. And you relied upon him to handle all of that and did not do it yourself?

A. Yes, sir.

Q. Now, how long ago was it that you were a member of MEBA?

A. Last war.

Q. During World War II?

A. Yes.

Q. And can you remember approximately when it was that—what did you do, take a withdrawal?

A. Yes, sir.

Q. Approximately when was that?

A. At the end of the war.

Q. About 1945 or—

A. Yes.

Q. Where did you join, did you join here in Seattle?

A. Yes, sir.

Q. I suppose you were not particularly active as a union member?

A. No, sir.

Q. Did you have any difficulties at any time with any of the officers of the union?

A. No, sir.

Q. Was your experience as a member of the union satisfactory as far as you were concerned at all times?

A. Yes, sir.

Q. And I take it then you have no prejudice against unions by virtue of that membership?

A. (Shakes head.)

[fol. 250] Q. What about the Building Maintenance Union? Do I understand that you joined that just recently?

A. Just recently, yes, sir.

Q. And was it within the last year, I think you said?

A. Yes.

Mr. Burdell: I think we will pass Mr. Gilbert, if the Court please.

Mr. Regal: Your Honor, could I ask one further question of Mr. Gilbert?

The Court: You may.

Voir dire examination.

By Mr. Regal:

Q. You say you belonged to the Building Maintenance Union. Is that the name of it, sir?

A. I really don't know the name of it. The building—

Q. Building Service Employees' Union?

A. Yes.

Q. Who is the business agent of that union, do you know, sir?

A. I don't know.

Q. You don't know that. That is all. Thank you.

The Court: State's second peremptory challenge.

Mr. Regal: May I have just a minute, if Your Honor please?

The Court: Certainly.

Mr. Regal: The State will excuse Juror No. 8, Your Honor.

The Court: Step down, please, Mr. Arndt. The Clerk will call another juror.

[fol. 251] The Clerk: Myron G. Sanderson, 4212 Pasadena Place.

The Court: Mr. Sanderson, were you in court and sworn with the rest of the jurors today?

The Juror: Yes, sir, I was.

The Court: Did you hear the Court's brief explanation of the case and the introduction of the parties and counsel and the reading of the witness' names?

The Juror: Yes, sir.

The Court: Did you hear and understand the questions that I posed to Mr. Morris, the first juror?

The Juror: Yes, sir.

The Court: Would you have answered any of those questions that I asked Mr. Morris in the affirmative by yes or raising your hand?

The Juror: The first one, sir.

The Court: The first question that you have heard of the case before?

The Juror: Yes, sir.

The Court: Any of the other questions?

The Juror: Well, I am not too sure, but if you will ask me the question about could I be a fair juror, I will answer that one.

The Court: Do you feel that there is anything in the nature or kind of case this is that would prevent you from being a fair and impartial juror?

The Juror: No, sir, not this case.

The Court: Do you know of any reason at all from what you have heard of the questioning in the matter going on

[fol. 252] in the courtroom why you could not try this case fairly and impartially?

The Juror: Well, it dates back to 1943, sir. 1941, I—

Mr. Regal: Your Honor, I would rather the juror did not state a specific instance, just general.

The Juror: Okay.

The Court: Do you feel you now have some bias or prejudice one way or the other?

The Juror: Yes, sir, it started then and—

The Court: All right, sir. You may be excused. The Clerk will please call another juror.

The Clerk: Mrs. Cecile B. Wilson, 4623 50th Avenue South. Mrs. Wilson, is Cecile your own first name?

The Juror: Yes, it is.

The Court: It is time for the afternoon recess. Ladies and gentlemen of the jury in the box, you may now retire to the jury room. Court will now be at recess until 3:15.

(Recess.)

[fol. 253] The Court: Bring in the jury, please.

(Jury in the jury box.)

The Court: You may be seated.

Mrs. Wilson, were you in court and sworn with the rest of the jurors today?

A. Yes, I was.

The Court: Did you hear the Court's brief explanation of the case, the introduction of the parties and counsel, and the reading of the list of witnesses?

A. Yes.

The Court: And did you hear and understand the questions I posed to Mr. Morris?

A. Yes.

The Court: I am referring to the questions the Court posed rather than those by counsel?

A. Yes.

The Court: Would you have answered any of those questions in the affirmative by raising your hand?

A. Yes, I have heard of the case.

The Court: You have heard of the case before. The first question.

A. Yes.

The Court: Any of the other questions?

A. No.

The Court: Thank you. Gentlemen, you may inquire.

Voir dire examination.

By Mr. Regal:

Q. Mrs. Wilson, are you employed?

[fol. 254] A. No.

Q. Have you ever been employed?

A. Yes.

Q. What kind of work did you do, ma'am?

A. Well, some sixteen years ago I worked in millinery.

Q. Millinery?

A. Yes.

Q. Did you have your own shop?

A. Yes.

Q. Was that in town here?

A. Yes.

Q. What store, ma'am?

A. Hanlon and—

The Court: I didn't understand you.

A. Hanlon & Sjordal's factory.

Q. How long did you work there?

A. Six years.

Q. Were you a member of a union while you were there?

A. No.

Q. Is that the only employment you have had?

A. During the war I worked for a short while in children's clothes. That was factory work too.

Q. Children's clothes?

A. Yes.

Q. Was that a union job?

A. No.

Q. Was that here in Seattle?

A. Yes.

Q. What company was that, if you can recall? It is all right, it isn't too important.

[fol. 255] A. It wasn't a very reliable place. It was a sort of a fly-by-night one anyway.

Q. They paid your salary, though?

A. Yes, but they held the check for a couple of days.

Q. How long did you work there?

A. About a year.

Q. And that is the extent of your employment then?

A. Well, I worked about three months down in the Coos Bay area.

Q. What kind of work there?

A. Mode O'Day shop.

Q. Selling?

A. Yes.

Q. Was that a union job?

A. No.

Q. About three months down there?

A. Yes.

Q. That covers it?

A. Yes.

Q. All right. What kind of work does your husband do, Mrs. Wilson?

A. He is a Parke-Davis salesman.

Q. Parke-Davis?

A. Yes.

Q. How long has he been with that company?

A. Eleven years.

Q. Is he a pharmacist?

A. Yes.

Q. And has he done any other kind of work?

A. No.

[fol. 256] Q. As long as you have been married to him?

A. No.

Q. Do you have any children?

A. Two.

Q. How old are they?

A. Nine and ten and a half.

Q. They are both going to school here?

A. Yes.

Q. Have you served on a jury trying a criminal case before?

A. No, I haven't.

Q. Have you been on a civil case?

A. Yes.

Q. This is your second or fourth week?

A. Fourth week.

Q. And have you or any member of your family or close friend or relative ever been involved in any way in a criminal matter?

A. No, they haven't.

Q. That, of course, is victim, witness, or something of that nature. You have no experience of that kind at all?

A. No.

Q. Do you know Mr. Charles O. Carroll, the Prosecuting Attorney, or any of his deputies?

A. No, I do not.

Q. Do you know Mr. Burdell or any of his associates?

A. No.

Q. Do you know any of the witnesses from the list the Court read a little while ago?

A. No.

[fol. 237] Q. Is there any reason at all why you could not be a fair and impartial juror in this case?

A. No, I don't believe so.

Mr. Regal: Pass Mrs. Wilson for cause, Your Honor.

Voir dire examination.

By Mr. Burdell:

Q. Mrs. Wilson, can you tell me what your husband did prior to the time he went to the Parke-Davis Company?

A. He worked at Witt's Pharmacy as a soda clerk.

Q. He wasn't a pharmacist then?

A. No.

Q. And was he going to school?

A. He was going to school while he was working there.

Q. Where did he go to school?

A. University of Washington.

Q. Does he travel as a Parke-Davis salesman?

A. Not for the last six years.

Q. He is not traveling now?

A. He has a Seattle territory.

Q. There is no problem in this case—I don't think the Court asked you—but there is no problem about someone to take care of your children or anything of that sort in case you should be isolated here for a few days?

A. I would hope I could go home to take care of them.

Q. There is someone to take care of them, though?

A. My husband is home.

Q. And is there someone to take care of them during the daytime and do whatever is necessary if you are not at [fol. 258] home in the evening?

A. Well, I don't know. I haven't ever had anyone take care of them.

Q. You haven't made any arrangements yet to have them taken care of?

A. No.

Q. You think you will be able to do that, to make some arrangements for their care if you are away for a few days?

A. Well, if it is necessary I could, I guess.

Q. Now, Mrs. Wilson, you have heard us ask questions about having heard discussions and reports concerning the Teamsters' Union, and concerning Mr. Beck, have you not?

A. Yes.

Q. And I take it that you probably have heard some such reports, am I correct?

A. Yes.

Q. Were those radio reports, TV reports, newspaper reports? Did that include all reports of that sort?

A. Yes.

Q. Taking the television first, did you observe the conduct of the so-called McClellan hearings in Washington, D. C. last summer?

A. Not very attentively.

Q. Did you follow the newspapers concerning that? Did you read the newspaper reports concerning that?

A. No.

Q. Have you had discussions with anyone concerning this

case or concerning Mr. Beck during which time there were any claims or assertions made of a hostile nature toward [fol. 259] Mr. Beck?

A. No, I haven't.

Q. You haven't had any such discussions?

A. No.

Q. Have you discussed in connection with these hearings or in connection with this case, have you had any discussions with your close friends or relatives, including Mr. Wilson, discussions concerning Mr. Beck or this case?

A. No.

Q. Have you yourself discussed any possibility of your service on this jury with any of the other members of the panel, the jury panel?

A. No.

Q. You say you have served about four weeks?

A. Yes.

Q. And I think you said on no criminal cases. Have you served through completely any civil cases?

A. Yes. Two.

Q. Two. Would you tell me again what your address was?

A. 4623 50th Avenue South.

Q. How long have you lived there, Mrs. Wilson?

A. About six years.

Mr. Burdell: I pass this juror for cause.

The Court: Defendant's second peremptory challenge.

Mr. Burdell: May I have about one moment, Your Honor?

The Court: Certainly.

Mr. Burdell: The defendant will excuse Mr. Wallace, Juror No. 5.

[fol. 260] The Court: Mr. Wallace, will you step down, please? The Clerk will call another juror.

The Clerk: Edwin A. Hedman, Box 575, Bothell.

The Court: Mr. Hedman, were you present in court and sworn with the rest of the jurors?

A. Yes.

The Court: Did you hear the Court's explanation of the case and the introduction of the parties and the reading of the names of the witnesses?

A. Yes.

The Court: Did you hear and understand the questions that the Court asked Mr. Morris this afternoon?

A. Yes.

The Court: Would you have answered any of those questions by a yes?

A. Yes, sir.

The Court: Which ones?

A. The first one.

The Court: The first one, about having heard of the case before?

A. Yes.

The Court: Any of the other questions? Questions that the Court asked, I mean.

A. There was one more.

The Court: What subject matter was it about?

A. About work.

The Court: I can't hear you.

A. About work.

The Court: About work? What did you mean about work?

[fol. 261] A. To be obligated for work.

The Court: I am sorry. I didn't understand.

A. Obligation for work.

The Court: Obligations for work that you don't feel you can participate on the jury and sit on it during the time it might take, is that it?

A. Yes.

The Court: Where do you work, sir?

A. King Street Station.

The Court: What kind of work do you do?

A. Baggage man. On the mail dock.

The Court: The mail department? By whom are you employed?

A. The King Street Station.

The Court: By the railroad, do you mean, or the postal department?

A. The Great Northern.

The Court: The Great Northern and Northern Pacific Railroads?

A. Yes.

The Court: How long have you been on the jury panel?

A. Two weeks.

The Court: Gentlemen, you may inquire.

Voir dire examination.

By Mr. Regal:

Q. Mr. Hedman, is that the way you pronounce that, sir?

A. Yes.

Q. Have you, any member of your family, or close [fol. 262] friends or relatives, ever been involved in any way in a criminal case? That is, victim or witness?

A. No.

Q. Nothing of that nature has ever occurred as far as you know, is that right?

A. No.

Q. Do you know any of the counsel at the table or any of their associates?

A. No.

Q. Do you know any of the witnesses that were named personally?

A. No.

Q. Do you feel you could be a fair and impartial juror in this case? Do you have some prejudice?

A. Yes, sir.

Q. You do have some prejudice?

A. Yes.

Q. That would take evidence to remove?

A. Yes.

Mr. Regal: Ask that the juror be excused, Your Honor.

The Court: He may be excused. The Clerk will call another juror.

The Clerk: Pierre F. McLaughlin, 2148 North 61st.

The Court: Mr. McLaughlin, were you present in court and sworn with the rest of the jurors today?

A. Yes, sir.

The Court: Did you hear the Court's general explanation of the case and the introduction of the parties?

A. Yes.

[fol. 263] The Court: Did you hear and understand the questions that I put to Mr. Morris?

A. Yes, sir.

The Court: In answer to any of those questions that the Court put to Mr. Morris, would you have answered yes or raised your hand?

A. Yes.

The Court: Which ones?

A. The first one.

The Court: As to whether you have heard of the case before?

A. Yes, sir.

The Court: Any others?

A. The one regarding whether I could serve with impartiality to both sides. I have an opinion on the case.

The Court: You have a preconceived opinion as to the guilt or innocence of the Defendant? It can be answered yes or no.

A. I don't believe I could be impartial, that is, serve with impartiality. Let's put it that way. I do have a preconceived opinion, yes.

The Court: You may be excused. The Clerk will call another juror.

The Clerk: Anna L. Hebert, 2349 North 59th.

The Court: Is it Miss or Mrs. Hebert?

A. Mrs.

The Court: Mrs. Hebert, were you present in court and sworn with the rest of the jurors today?

A. Yes, sir.

Q. Did you hear the brief explanation of the case and [fol. 264] the introduction of the parties and counsel?

A. Yes, sir.

Q. Did you hear and understand the questions that I put to Mr. Morris?

A. Yes.

The Court: In answer to those questions, would you have answered any of them yes?

A. The first one. I have heard of the case.

The Court: You have heard of the case before?

A. Yes.

The Court: Any others?

A. The last one. I have a preconceived impression or opinion. I don't believe I could be impartial.

The Court: From what does that preconceived opinion or impression come? From what you have heard here today?

A. No, from what I have read and heard and spoken of and heard on radio.

The Court: You may be excused. The Clerk will call another juror.

The Clerk: George B. Goff, Jr., 14907 Southeast 42nd, Bellevue.

[fol. 265] GEORGE B. GOFF, JR., 14907 Southeast 42nd, Bellevue (whereupon, promising to true answer make to questions propounded to him touching upon his qualifications to act as juror, was duly sworn).

Voir dire examination.

By the Court:

Q. Mr. Goff, were you present in court and sworn with the jurors today?

A. Yes, sir.

Q. Did you hear the Court's general explanation of the case and the introduction of the parties and counsel?

A. Yes, sir.

Q. Did you hear and understand the questions that I put to Mr. Morris?

A. Yes, I did.

Q. Would you have answered any of those questions by saying yes?

A. Yes.

Q. Which ones, sir?

A. The first, fourth, and the eighth or ninth, something like that.

Q. All right. The first one is whether you have heard of the case before. You have, is that correct?

A. Correct.

Q. Which other questions?

A. The other one, I have served on a criminal case before.

Q. In this jury term?

A. That's right.

Q. All right. Did you serve clear through the case?

[fol. 266] A. Yes, sir.

Q. What nature of case was that?

A. It was a manslaughter case.

Q. What other question would you have answered yes?

A. Well, I am not sure that I could truthfully answer an oath to your last question of complete impartiality. I

personally have no bias with Mr. Beck, but I don't agree with the union's principles.

The Court: Gentlemen, you may inquire.

Voir dire examination.

By Mr. Regal:

Q. Mr. Goff, what is your occupation, sir?

A. I am an engineer.

Q. For what organization?

A. Boeing Airplane Company.

Q. How long have you been at Boeing's?

A. Three years and nine months.

Q. How old are you, sir?

A. I am 31.

Q. And are you married?

A. Yes, sir.

Q. Children?

A. Yes, sir.

Q. How many?

A. Three.

Q. How old are they?

A. Three, six and nine.

Q. And does your wife work other than taking care of the three, six and nine-year-old children?

[fol. 267] A. Well, not at the present time, no.

Q. Has she ever worked, sir?

A. Yes, she did.

Q. What kind of work has she done?

A. She was a clerk at Frederick & Nelson's.

Q. And while she was there did she belong to a union?

A. Yes, sir.

Q. Did she have any experience there with the union she belonged to that would tend to prejudice you against the defendant here in this case?

A. Well,—

Q. Without explaining anything about it, just answer the question generally. If you say too much, maybe it will cause a little trouble here. Just tell us generally whether or not there is any prejudice because of that relationship?

A. Not because of hers, no.

Q. Not because of her experience with Frederick's?

A. That's right.

Q. Do you know which union she belonged to?

A. The Clerks', Retail.

Q. The Retail Clerks. Do you know with whom they are affiliated?

A. No, I don't.

Q. You don't know that, so there would be no connection as far as you are concerned with Mr. Beck and your wife's employment?

A. That's right.

Q. Nothing occurred there that would cause you any feelings against the union or any union?

[fol. 268] A. Nothing that occurred there, no.

Q. Not as far as she is concerned?

A. No.

Q. What work have you done other than that?

A. I was with the Maximum Security Agency.

Q. What is that?

A. That I am not able to divulge.

Q. Was that Federal work, for the Federal Government?

A. Yes.

Q. Were you in the service when you were with them?

A. No, sir.

Q. You were a civilian employee. And how long have you lived in the State of Washington?

A. Three years and nine months.

Q. What is your home state?

A. Oklahoma.

Q. What other states have you lived in, resided in?

A. Maryland, Virginia and Washington, District of Columbia.

Q. Those are places where you actually resided and lived?

A. That's right.

Q. Mr. Goff, you served on one other criminal case and that was the only other criminal case you served on?

A. That's right.

Q. Did anything occur during the course of that trial that would tend to prejudice you against a person charged with crime?

A. No, sir.

Q. Or anything that would tend to prejudice you against the State of Washington or its prosecuting officials?

A. No, sir.

[fol. 269] Q. Do you have any personal animosity towards union officials as such?

A. Not as individuals.

Q. You have some feeling against labor unions?

A. That's correct.

Q. And that is based upon personal experience that you had?

A. No, sir. Personal beliefs.

Q. Just personal beliefs. It is a matter of philosophy with you?

A. That's right.

Q. And you had no experience yourself and has any member of your family ever had an unhappy experience?

A. No, sir.

Q. It is just as you said before, a feeling that you have?

A. Yes.

Q. Does that render you incapable of being fair and impartial on the issue here as to whether or not the defendant appropriated money from this labor union to his own use?

A. I think not. I consciously would have to—

Q. Does your prejudice against labor unions or your prejudice against labor unions extend to the position that if a labor union was victimized by someone, in other words, \$1900 of their money was taken by someone—

The Court: I think the question is a little out of order, Mr. Regal.

Mr. Regal: Very well, Your Honor.

Q. You understand in this case, Mr. Goff, the Western Conference of Teamsters, a labor organization, is the victim?

[fol. 270] Mr. Burdell: If the Court please, I don't think—

Mr. Regal: That is in the indictment, Your Honor.

The Court: Rephrase the question, Mr. Regal.

By Mr. Regal:

Q. What I am trying to get at, Your Honor, is whether or not this jury would be prejudiced to the extent that he would feel in his deliberations that it didn't make any difference whether a labor organization lost money in this manner, and the indictment alleges—

The Court: Would you answer that question?

A. My prejudice does not have anything to do with my thinking or weighing the facts.

Q. In other words, you could be a fair and impartial juror to both sides in this case?

A. Yes.

Q. And you could view the evidence dispassionately and without prejudice? Objectively?

A. Yes, sir.

Mr. Regal: Pass Mr. Goff for cause, Your Honor.

Voir dire examination.

By Mr. Burdell:

Q. Mr. Goff, when was it your wife was a member of the Retail Clerks Union?

A. Approximately two years ago, as well as I can remember.

Q. And how long was she a member of that union?

A. About three months.

Q. That would have been about in 1955 or '54?

A. That's right.

Q. And did she ever attend any meetings of that union?
[fol. 271] A. No, sir.

Q. To your knowledge she never attended any meetings, is that right?

A. No, sir.

Q. She never participated in the activities or the affairs or the business of the union in any way?

A. No, sir.

Q. But she paid her dues, as I understand it?

A. That's right.

Q. And you object, or one of your objections to unions as I understand it, is that she had to in that particular job belong to a union and pay dues, is that right?

A. That's right.

Q. She apparently never went to any meetings, and she got this understanding from her employer?

A. That's correct.

Q. But at no time during this period, you are quite sure, did she ever attend any of the meetings of the Retail Clerk Union?

A. I am sure of that.

Q. Now earlier, in response to some of the Court's questions, you indicated that you—I think you said that you would find it difficult to be impartial because you did not agree with some of the principles of some unions or of all unions, I guess. Does that apply to all unions or just particular unions?

A. It applies to most of them, put it that way.

Q. And, of course, I take it that the—in view of the fact that unions are operated by people and consist of people, that that feeling of disfavor that you have would [fol. 272] apply to the people who operate and who were the officers of and who conduct the business of the union, is that correct?

A. As individuals I don't believe it would. I mean as individuals, they have different personalities like a corporation or a large firm.

Q. You mean you feel prejudiced toward them just in their capacity as union officials but not in any other capacity?

A. That's right.

Q. And you know, of course, that Mr. Beck, who is the defendant here, is the President of the International Brotherhood of Teamsters?

A. Yes, sir.

Q. And do you think, going back to your answers to the judge's questions, do you feel that the prejudice or feeling that you have toward unions would in any way in this case put me as defendant's counsel on the defensive so that I would have to introduce some evidence to you to show that or to overcome the feeling that you have towards unions or towards Mr. Beck?

A. I don't believe so.

Q. You think—go ahead.

A. I try to—my job has always been to look at everything from the standpoint of fact alone. I don't believe there is any bias that would creep in consciously anywhere.

Q. I am sure you would try to do that, but I have to be sure. You did express some partiality, I think, or some bias, and I have to be satisfied in my own mind you understand that that won't affect your verdict or anything of that sort and I am wondering if—put it this way—if you feel that if you were in my position you would feel that if I had twelve jurors in your frame of mind, I would be in a position where I would have the laboring oar so to speak, some burden to overcome by the introduction of some evidence or persuading you in some manner of the defendant's innocence and of the defendant's innocence of some of these charges or some of these prejudices you have in your mind. In other words, am I going to have some burden here that I ought not to have?

The Court: I think, Mr. Burdell, the question involved unintentionally, I am sure, an expression of there being any possibility you have a burden of proving innocence, which on the contrary of this case, and the instructions of the Court will be giving the jury. I might ask you to reframe it.

By Mr. Burdell:

Q. Yes. Mr. Goff, I think you said you have served on one criminal case?

A. That's true.

Q. And you heard, I guess, the instructions in that case that the defendant is presumed innocent and that the burden is upon the State to establish the guilt of the defendant beyond a reasonable doubt. Do you recall that?

A. Correct.

Q. And do you recall that Judge Revelle in his statements to you this afternoon said that that quantum of proof, that is the proof beyond a reasonable doubt, was a [fol. 274] far greater quantum of proof than the other proof which is necessary, which is a preponderance of the evidence. Do you recall that statement?

A. Yes, sir.

Q. What I would like to find out is, do you believe you can, regardless of this impartiality or partiality which you feel you might have toward labor unions, regardless of that, do you think that you can decide this case on the theory that the burden is upon the State and not upon me in any way? In other words, if there were twelve jurors with your frame of mind or your state of mind, do you believe that those jurors would or could apply this presumption of innocence? Would I be satisfied that they would or would the burden be on me in some sense rather than upon the State, or are you not sure?

A. Well, I am going to be very objective with myself. I wouldn't want to place an undue burden on anybody but at the same time I know I am prejudiced against unions

as a group. I don't consciously feel any animosity toward Mr. Beck. I think I could give a fair hearing to the case.

Q. Well, I gather that what you are saying then is, are you giving an affirmative answer to my question that if I were faced with twelve jurors in your state of mind I could be confident that they would—that the burden would not be on me but that those twelve jurors would and could conscientiously apply the presumption of innocence and the rule relating to reasonable doubt?

[fol. 275] A. Yes, sir.

Mr. Burdell: May I have just a moment? Pass this juror for cause.

[fol. 276] The Court: The State's third peremptory challenge.

Mr. Regal: Could I have just a moment, Your Honor please?

The Court: Certainly.

Mr. Regal: The State will excuse Juror No. 4, Your Honor.

The Court: Mr. Gilbert, please step down. The Clerk will call another juror.

The Clerk: Beatrice M. Tribou, 15516 12th Northeast.

The Court: Miss or Mrs. Tribou?

A. Mrs.

The Court: Were you present in court today and sworn with the rest of the jurors?

A. That's right.

The Court: Did you hear the Court's brief explanation of the case and the introduction of the parties and counsel?

A. Yes.

The Court: Did you hear and understand the Court's questions to Mr. Morris this afternoon?

A. Yes.

The Court: Would you have answered any of those questions that I put to him by raising your hand?

A. Yes, I have heard of the case.

The Court: Yes. That is the first question, that you have heard of the case before.

A. Yes.

The Court: Any other questions?

A. No, I don't believe so.

[fol. 277] The Court: Do you know of any reason why you could not try this case fairly and impartially?

A. I guess not.

The Court: Gentlemen, you may inquire.

Voir dire examination.

By Mr. Regal:

Q. Mrs. Tribou, is that the way you pronounce that, ma'am?

A. That's right.

Q. Are you employed?

A. Yes, I am.

Q. What kind of work do you do?

A. I am purchasing agent for the Federal Government.

Q. How long have you been with the Federal Government?

A. Twenty years.

Q. And you are Mrs. Tribou?

A. Yes, I am.

Q. What does your husband do?

A. He is a barber.

Q. Barroom?

A. Barber.

Q. Barber. Oh, I am sorry.

The Court: Speak louder, please.

By Mr. Regal:

Q. If you would have talked louder, that wouldn't have happened. How long has he been a barber?

A. Thirty years.

Q. Does he work in Seattle?

A. Yes.

Q. Does he have his own shop?

A. Yes, he does.

[fol. 278] Q. Do you have children, ma'am?

A. Grown children.

Q. How old are they?

A. 28 and 29.

Q. Boys or girls?

A. One of each.

Q. What does the 28-year-old do?

A. She is married and has two children.

Q. That keeps her busy?

A. That's right.

Q. Has she ever done any work outside the home?

A. Yes.

Q. What kind of work did she do?

A. She worked for the Army Engineers and she worked for the Bon Marche for a while.

Q. During the time she was a clerk for the Bon Marche did she belong to a labor union, if you know?

A. I don't know.

Q. You don't know of any difficulty she might have had in that capacity?

A. No.

Q. Is that the only work she has done other than being a housewife?

A. Yes.

Q. The 29-year-old is a boy?

A. Yes. He works for Fentron Industries.

Q. Fentron Industries?

A. Yes.

Q. That is in Ballard?

A. Yes.

[fol. 279] Q. What kind of work does he do for them?

A. He has to do with the aluminum phase.

Q. Has he been there quite some time?

A. Four years.

Q. What work did he do before?

A. Automobile mechanic.

Q. As an auto mechanic, did he belong to a union?

A. Yes.

Q. Do you know anything of his union activities, whether he was active or inactive?

A. He was not active.

Q. Whether he had any trouble with them?

A. Not that I know of.

The Court: Excuse me Mr. Regal. It is time for the afternoon recess, for overnight. Ladies and gentlemen of the jury in the box and in the courtroom not yet called, I wish to instruct you at this time that you are not to discuss this case directly or indirectly among yourselves or with any person whatsoever, and I ask you to refrain from reading anything about the case or anything directly or indirectly connected with it or hearing or seeing anything of that nature in the overnight recess, except that if you feel that you need to make some arrangements in the event that you may be selected on the jury for being confined for some reasonable period of time and in those arrangements you need make reference to the case, you may do so. This is not to say that any of you are selected and will serve. It is to say that if you need to make any preliminary arrangements, you may do so. You will now be excused, ladies and gentlemen of the jury, to return in [fol. 280] time for the court session at 9:30 tomorrow morning.

(Whereupon, a recess was had until 9:30 o'clock A.M., December 4, 1957.)

[fol. 281]

MORNING SESSION

December 4, 1957
9:30 o'clock A.M.

(The following occurred in the Court's chambers:)

COLLOQUY BETWEEN COURT AND COUNSEL

Mr. Burdell: Your Honor, I have two things to take up this morning. The first relates to Juror No. 11, Mr. Vallance, who was the man who said he thought he might have ulcers. We have learned through John's wife, John Keough's wife, who is employed by the telephone company—

The Court: What company?

Mr. Burdell: The telephone company, that Mr. Vallance is in the process of being removed from this position he has as instructor of teachers. I guess he is an instructor of instructors and we feel that he is probably going through some mental problem as a result of it because it is a system which he built up at the telephone company and now at his age he is being removed from it, we believe against his will or against his desire, and we think it is probably causing him some mental problems or worry and extreme disappointment and he may well, I think, have ulcers or mental problems as he stated.

Mr. Keough: I might point out that my wife went to this school about four or five weeks ago. I found this out last night. Last night my wife asked about the names of the jurors. She said of him, "I went to his school," and then she started to tell me about him. I thought we should [fol. 282] bring this out. I don't know if he can specifically pick her out or not, but she did go to his school and unbeknownst to me she did go to his school.

Mr. Burdell: We don't know of anything, at least as far as I know, anything about him other than the fact that I believe as a result of what John told me, he may rightly be ill physically and I think at least we should possibly ask him some more questions about his health condi-

tion, unless the Court is satisfied that his health is completely satisfactory. I would suggest that he be removed.

Now the other problem I have relates to Juror No. 5. Yesterday I passed him for cause. I would like to withdraw that and ask he be excused for two reasons. First, because I think his answers did indicate some serious doubt in his own mind as to whether or not he could impartially try the case. He definitely said he was prejudiced against labor unions. He went so far as to make a remark about having to pay for a job, referring to the fact that his wife had to join the union at Frederick & Nelson's. Secondly, we were faced yesterday and still are faced with the fact that we can't explore his background because he worked, as I understand it, for the National Security Agency and says he will not tell us what he did there. I do not know what the National Security Agency does but it is possible he may have investigated some labor unions or labor union activities which may result in some prejudice that he has not indicated and of course, unless the Court orders him to permit us to interrogate him a little bit, we are not able [fol. 283] to do so and I rather imagine under the circumstances the Court probably won't require him to answer questions concerning that work. As I understand it, he worked for the National Security Agency I think a little over two years. Respecting him, I do ask that he at this time be excused.

The Court: The prosecution's position?

Mr. Regal: Your Honor, I don't feel he has been shown to be prejudiced in this case and I can see where Mr. Burdell has some argument but I don't feel that is what the law contemplates as far as challenge for cause is concerned. You must show that the juror has some preconceived ideas or notions that would take evidence to remove and Mr. Burdell attempted to get that from the juror and he couldn't. Now whether something like that does exist and the juror isn't being completely honest about it, I don't know. It is my impression that the fellow is very conscientious, he is honest to a fault, and gets himself in sort of a predicament trying to be honest and trying to tell Mr. Burdell and me everything that is in his mind.

Mr. Burdell: There is one other problem about him that I should point out. He said his wife worked for the Retail Clerks' Union.

Mr. Regal: At Frederick's.

Mr. Burdell: While at Frederick's. She was a member of the Retail Clerks. He said he didn't know whether or not the Retail Clerks' Union was connected with the Teamsters or not. As a matter of fact, it is not.

[fol. 284] The Court: It is not?

Mr. Burdell: It is not.

Mr. Regal: I thought it was.

Mr. Burdell: That is true. Everybody thinks so. It is quite possible he will get that impression or has that impression. I am quite sure everybody feels that is true.

Of course, if he feels that is true, in effect he would be in a position where he feels that the money in this case was allegedly taken from his wife because of membership in that union, because as you know, the prosecution will make an attempt to prove these automobiles were paid for by what I think is referred to as per capita tax from the members and if it is a fact, of course, that the Retail Clerks were connected with the Western Conference and members of the Retail Clerks did pay per capita tax to the Western Conference, I think under one of our statutes he would be subject to challenge by us under those circumstances.

The Court: You didn't comment with respect to No. 11.

Mr. Regal: I think the Court should inquire again as to the man's health, if he has some condition that he feels requires immediate medication based upon what Mr. Keough said about his precarious position at the telephone company, it might be advisable to excuse him, but if his health is all right today, I can see no reason for taking him off the panel. The mere fact that he may be bothered by some mental condition that he has not admitted in open court, probably that is the case with all of them. Every-
[fol. 285] body has their problems. I am worried now about Saturday. I know we are going to work and I am awful upset about that.

Mr. Burdell: Our point is that the position made creates physical discomfort which will make it difficult for him to deliberate comfortably.

Mr. Regal: It is like starting out on a long trip with a bad tire and a spare. We have the spare but don't want to use it. The alternate juror will be there to be used in the event he has some problem but I think everybody has stomach trouble, ulcers, because of nerves.

The Court: Well, after the examination of these two jurors yesterday, with respect to No. 11, not having had any previous health problems, expressed in his opinion, not having consulted a doctor, that he was suffering from the ordinary nervous tension that jurors suffer from when the question was asked by the Court and by counsel which I believe was entirely proper. I do think this being his difficulty, however, I will accede to the questions as to the Court inquiring how he feels today, if he has any health reasons in his mind why he could not be able to serve, only as it pertains as to whether he will or will not give proper attention to the case.

With respect to Juror No. 5, I think there was ample opportunity during the examination with respect to his answer about the National Security Agency, if that is the term he used, I felt at the time that the matter was explored by defendant's counsel and was dropped because [fol. 286] at the time Counsel himself felt it was probably fully explored because he answered concerning his work that he had to evaluate not in terms or something to the effect that he had to weigh the facts and the evidence and was trained to separate in a sense the wheat from the chaff. I do not know what line the Court would have drawn as to what questions he would have to answer. At the moment I am not familiar with any law that gives a juror or any former member of any kind of an agency the right to refuse to answer pertinent questions. Of course, I recognize there must be if the gentleman says so, some proclamation that prevents him from giving the details of some work he performed for the government, but as to what it called for him to do in general terms as to his capacity, his personality, his training, I thought it was quite fully covered in a sense by his answers yesterday. Perhaps defendant's counsel doesn't agree with me but I think it is within the realm of, not as a challenge to the juror since we do know in general terms what he did do, but it is more in the nature

of a sort of thing Counsel can use if he desires to challenge the juror peremptorily. It doesn't amount to a challenge for cause.

With respect to the matters concerning Juror No. 11, as related by Mr. Keough, the Court has appreciated this being brought to the attention of the Court and of the record, and is in the nature of I do not think any matter of challenge because indirect relationships crossing the paths of people and lawyers and their families is a common occurrence [fol. 287] and I don't think influences jurors one way or another very often. This kind of information, the way in which it was determined, is readily available to counsel in this county who can any time they desire call for jurors, obtain names and addresses and investigate them if they so desire, and such matters can be, so to speak, uncovered if they are of any importance.

Where we are now, with the number of challenges remaining and the context of both of these matters, it is a fair situation to just inquire of No. 11 concerning his health at the present time and I would deny the challenge to No. 5 for cause.

Mr. Burdell: I think it would be proper then to advise the juror in some fashion, if he remains as a juror, perhaps assuming something that can be determined later, but in the course of the case or prior to the case, I think the juror should be advised that the Retail Clerks' Union is not part of the Teamsters' Union. I am satisfied under the statute if he is under the impression that the Retail Clerks is a part of the Teamsters, that he would be subject to excuse for implied—

The Court: I got the impression from the questioning yesterday that no one knew whether it was or not.

Mr. Regal: That is right. The question was, do you know whether or not they are affiliated. He said no. His wife no longer works for them.

The Court: I got the impression also that the examiners didn't know either, but I will permit you to ask a question of him concerning the subject of retail clerks.

[fol. 288] Mr. Regal: I don't think anything should be stated to the jury as a fact, he shouldn't be given that information unless Mr. Beck takes the stand. If he does he

can ask him, although I don't see what materiality that has. I have no objection if Mr. Burdell wants to question Juror No. 5 further along that line and he can ask a leading question in this fashion: You know, do you not.

Mr. Burdell: Yesterday he said he didn't know. As far as today is concerned, I wanted to be sure he didn't make any inquiry.

The Court: The first thing we are to do is question No. 11. Then we will continue with No.—

Mr. Burdell: No. 4.

The Court: No. 4, by Mr. Regal.

Mr. Regal: Yes.

The Court: And then ask Mr. Burdell for further questioning of No. 5, whatever his name is.

Mr. Burdell: I wonder if it would be proper for the Court again this morning to ask the general question as to whether or not any of them since they have been interrogated individually by counsel have received any information or whether anything has come to their attention, whether overnight or during the day yesterday, which would change any of their answers or which would in their opinion make it difficult for them to try the case in question.

Mr. Regal: Yes, that is satisfactory with me, Your Honor.

The Court: All right.

[fol. 289] (The following occurred in open court, and in the presence of the jury:)

The Court: Please bring in the jury.

(Jury in the jury box.)

The Court: Please be seated. Ladies and gentlemen of the jury, I would like to ask all of you one general question this morning having to do with matters that may have occurred since 4:00 o'clock yesterday, if anything. The question is, have any of you since that time received any information or has anything come to your attention that would in any way change the answers to the questions by me yesterday and would prevent you from being a fair and impartial juror in this case? If so, please raise your hand.

I see no hands to the question.

Mr. Vallance, I would like to inquire of you today, how you are feeling physically?

Mr. Vallance: About the same as I did yesterday. I feel all right in the day time.

The Court: Is there any question in your mind that you are not physically all right?

Mr. Vallance: I don't think there is any question at the present time.

The Court: You feel all right today?

Mr. Vallance: Yes.

The Court: You may continue the questioning of Juror No. 4, Mr. Regal.

[fol. 290] Voir dire examination.

By Mr. Regal:

Q. Mrs. Tribou, I have forgotten whether I asked you some of the general questions that I directed to some of the other jurors. We call them general questions because when the panel comes in the box, before you came down, we addressed all twelve of them together. It doesn't mean it is a specific question to you now. Have you or any member of your family or relative or close friend ever been involved in a criminal matter in any way, either as a victim, witness, or some other manner, if you can recall?

A. My brother was the victim of a robbery and kidnapping about twenty years ago maybe.

Q. Was that in this area?

A. Yes, it was.

Q. Were you here at the time?

A. Yes.

Q. Did you attend the trial?

A. No, I didn't.

Q. Did you know any of the facts or circumstances except the general facts and circumstances you are stating now at that time?

A. Well, I knew—

Q. You knew all the facts and circumstances at the time?

A. Well, yes.

Q. And without telling us what the outcome was, was there a trial regarding it?

A. Yes, there was.

Q. Without telling us the outcome of the trial, were you [fol. 291] satisfied with the outcome?

A. Yes.

Q. Did you have any feelings of irritation or agitation after the trial was over and everything was settled?

A. Not particularly.

Q. By not particularly you mean there is nothing in your mind that would tend to prejudice you one way or the other? By that I mean against the defendant or against the State?

A. No, it was an entirely different thing.

Q. Yes, but it is an unrelated crime and it has no relationship to this charge. Do you know either counsel for the defendant?

A. No, I don't.

Q. Do you know any of the attorneys in his firm?

A. No.

Q. You have heard the names I read yesterday regarding some of the attorneys in his firm and others that he is associated with?

A. I don't know them.

Q. Do you remember me reading the names of those?

A. Yes, I am sure.

Q. But none of them ring a bell?

A. No.

Q. You don't know Mr. Carroll or any member of his staff?

The Court: What is your answer, ma'am?

A. No.

Q. Now have you served on a jury trying a criminal case before? I think I asked you that.

A. Yes. You didn't ask me, but I have.

[fol. 292] Q. What was the nature of that case?

A. That was a morals case.

Q. Did anything occur during the course of that trial that would influence you in a case of this nature?

A. No.

Q. You have no feelings or prejudice against a person charged with crime or against the State as a result of that case you sat on?

A. No.

Mr. Regal: Pass Mrs. Tribou for cause, Your Honor.

Voir dire examination.

By Mr. Burdell:

Q. Mrs. Tribou, is it Tribou or Tribou?

A. Tribou.

Q. What agency of the government are you employed by?

A. General Services Administration.

Q. And how long have you been employed by GSA?

A. Well, since its beginning. I was with one of the offices that formed this organization.

Q. Have you been employed in Seattle all of the time?

A. Yes.

Q. Where is your husband's business located?

A. It is out at 15545 15th Northeast.

Q. Does he have any employees in his shop or does he operate it alone?

A. He has operated it alone for two or three years, but now he has just taken on a man.

Q. An employee. Neither your husband nor his employee [fol. 293] is a member of the union?

A. My husband isn't. I don't know about the other man. He has only been a couple days there.

Q. Do you have any feeling or prejudice or hostility towards unions or union officers?

A. No, not generally.

Q. Not what?

A. Not generally.

Q. Well, do you specifically in any way?

A. No, I don't believe so.

Q. I beg your pardon?

A. I don't believe so.

Q. You don't believe so. Is there some doubt in your mind? Do you have any feeling of hostility or prejudice towards the Teamsters' Union or its officers?

A. I have never thought very highly about them.

Q. When you say you have never thought very highly

of its officers, I take it from that you mean you have some opposite feeling, you have some feeling of disapproval?

A. Yes.

Q. And that feeling of disapproval would include Mr. Beck who is the president of the union?

A. Yes.

Q. And having that feeling of disapproval, would it be difficult in any way for you to fairly consider the issues and the facts in this case in which Mr. Beck is a defendant?

A. I don't believe so. There is nothing personal.

Q. I beg your pardon?

A. I don't believe so because it is nothing personal.

[fol. 294] Q. You mean you don't know him personally, is that right?

A. That's right. I mean I have nothing—no personal—no personal reason.

Q. Well, is your reason based upon information or assertions which have been made by other people and reports which you have received?

A. Yes.

Q. And these reports you have received are reports from people in discussions that you have had?

A. Yes.

Q. And in addition newspaper reports?

A. Yes.

Q. Television reports?

A. That's right.

Q. And you have accepted, I take it, some of them as being true?

A. Yes.

Q. And those things—by the way, have you yourself engaged in any discussions concerning Mr. Beck with respect to these matters you have heard?

A. What do you mean by "these matters"?

Q. Well, the matters that you had reference to, the discussions?

A. Well, over the years I suppose we have discussed him more or less now and then.

Q. And you have discussed it within the past few months?

A. Well, yes, I suppose.

Q. And would you have had discussions of that sort since you have been on the jury panel?

A. No.

[fol. 295] Q. Now the discussions that you have reference to, did they include at any time any statement by you indicating disapproval or resentment or hostility toward Mr. Beck?

A. Not resentment or hostility.

Q. Disapproval, though?

A. Yes.

Q. Did you read or hear by way of radio or television any of the charges or assertions made against Mr. Beck in connection with the McClellan Committee hearings?

A. Was that the Washington business?

Q. Yes.

A. Yes, we watched the television.

Q. Do you recall having heard some of the assertions or charges that were made?

A. Yes.

Q. And is it those charges or do those charges, are they included in the type of thing which you say has left some disapproval in your mind?

A. Well, I think that they would be included, yes.

Q. And did you watch the television at the time of Mr. Beck's appearance before the Senate Committee?

A. Yes.

Q. And you observed that he refused to answer questions?

A. Yes.

Q. And did that contribute, did that refusal contribute to your disapproval of Mr. Beck's conduct?

A. Not particularly, no.

Q. You say not particularly?

A. Yes.

Q. Well, do you mean by that you had already reached a [fol. 296] state of mind where nothing could add to the disapproval?

A. Well, I figured he knew he was going to be on trial. He was protecting himself.

Q. Did you assume—I am wondering if by that answer you feel that his refusal to testify was based upon the

feeling that in his own mind he would be guilty of something?

A. Not necessarily.

Q. Not necessarily?

A. No.

Q. But you think there is that possibility?

A. Oh, sure.

Q. And in your own mind did you feel that his failure to testify created in your own mind some indication or implication that he might be guilty of something?

A. No, I don't think that.

Q. You feel that you are quite sure that his failure to testify didn't indicate to you in any way that he might be guilty of anything?

A. No.

Q. Now this feeling of disapproval that you have, Mrs. Tribou, would that in any way put the defendant or Mr. Beck in a position where in order to remove that disapproval and in order to have you deliberate quite dispassionately, the defendant would be under an obligation to undertake some burden of introducing evidence?

A. No, I don't believe so because we are trying one specific thing here.

Q. Are you under the impression that although we are trying one specific thing here, there may be some other [fol. 297] assertions of misconduct toward Mr. Beck that might be true?

A. Yes.

Q. And do you feel that the fact that there may be—that he may have engaged in other forms of misconduct could be completely ignored by you in considering this particular case?

A. I hope so.

Q. I beg your pardon?

A. I hope so.

Q. I do too. I want you to be really sure.

A. We are supposed to decide on one thing.

Q. Yes, that is true, and I just want to be sure. You indicate merely that you hope it will have no effect. I have to be sure and I think you ought to be sure, too. Are you completely satisfied in your own mind that the belief that

you have about other alleged misconduct would have no possibility of affecting your verdict in this case?

A. I am sure it wouldn't.

Q. I beg your pardon?

A. I am sure it wouldn't.

Q. And even if you believed that Mr. Beck may have engaged in some other type of misconduct at some other time, you can completely ignore that, is that correct?

A. Yes.

Q. Let me ask you this: Your belief that he has engaged in some other form of misconduct, that is based entirely on things you have heard? You have no personal knowledge, is that correct?

A. That is right.

[fol. 298] Q. You have never made any effort, have you, to formerly investigate or determine the truth of any of the assertions or charges that have been made, is that correct?

A. That is right.

Q. And in the television hearings that you said you observed, did you particularly with reference to those, did you make any effort to investigate or determine the truth of the assertions made there?

A. No.

Q. So that whatever feeling you have is based entirely upon this type of thing, television reports, newspaper reports?

A. That is right.

Q. Now did you in connection with the McClellan Committee hearings, do you recall assertions by members of that committee that officers of the Teamsters' Union had misused funds?

A. Yes.

Q. And is that one of the assertions that you believed to be true?

A. Yes.

Mr. Burdell: I ask that the juror be excused.

The Court: In regard to this matter, Mrs. Tribou, are your feelings in that matter directed towards or applicable to the defendant here?

A. Yes.

The Court: You may be excused. The Clerk will call another juror.

The Clerk: Arlene L. Pritchard, 11315 76th South.

The Court: Mrs. Pritchard?

[fol. 299] **A.** Yes.

The Court: Were you present in court yesterday and sworn with the rest of the panel?

A. Yes, I was.

The Court: Did you hear the Court's general explanation of the case, the reading of the indictment, and the introduction of the parties and the naming of the witnesses?

A. Yes, I did.

The Court: Did you hear and understand the questions that I asked Mr. Morris yesterday just after making the explanation?

A. Yes.

The Court: In answer to any of those questions, would you have answered them by saying yes?

A. Yes, I would.

The Court: Which ones?

A. The first one.

The Court: That you have heard of the case before?

A. Yes, and I also know a Donald McDonald. I believe that is one of the witnesses.

The Court: Donald McDonald?

A. Yes.

The Court: Donald D. McDonald?

Mr. Regal: He is a bookkeeper for the Western Conference of Teamsters.

A. No.

The Court: Any other questions that you would have answered yes?

[fol. 300] A. Also it would be terribly hard for me to stay on a closed jury because I have two small children.

The Court: What are your children's ages?

A. Three and six.

The Court: Have you ever been away for say five or six days from your children?

A. No, I haven't, not from both of them.

The Court: Do you now think it is impossible for you to make arrangements for them to be cared for for a reasonable length of time?

A. It probably wouldn't be impossible but it would be hard and I hate to impose on people.

The Court: In what way would it be hard?

A. Well, my husband sometimes works Saturdays and I don't know whether he could do the washing and ironing that has to be done, and the shopping and that sort of thing, and then my neighbor is taking care of my little boy now.

The Court: What arrangements do you make now during the day?

A. She watches him before and after school for me and we pick him up at 5:30.

The Court: The three-year-old, what arrangements do you have for him?

A. She is staying with my mother-in-law during the week but she has quite a few things on. I hate to tie her down too long. I imagine she could do it.

The Court: You are not employed outside the home?

A. No, I am not.

The Court: What is your husband's employment?

[fol. 301] A. He is assistant to the president at the Olympic Steel Works.

The Court: Do you live in your own home?

A. Yes.

The Court: Would the separation from your children, if you could make arrangements that would satisfy you, give you any concern or interfere with your considering matters that may be presented to you as a juror?

A. I would be concerned about them, especially not being sure who would take care of him on Saturday if my husband wasn't home.

The Court: Were you aware that jurors are possibly confined when you started service on your first day of this term?

A. Well, I knew over one night but I didn't realize—

The Court: I see. The formal and specific jury duty of course involves sacrifices on the part of every juror, both financial and otherwise. The problem of the judicial system in the courts is distributing amongst the citizens eligible for jury service those sacrifices so I am interested not in imposing upon you anything that is unfair considered in that general idea. Do you think that to serve on this jury might be I say unreasonable—or I might say a reasonable length of time, possibly, I am guessing, ten days or seven days or fourteen days, would be a financial or other personal burden to you to an extent that you think it would be greater than that imposed on other jurors with children of the age of yours?

[fol. 302] A. The same age as mine?

The Court: Yes, the same as yours.

A. Probably not the same age.

The Court: Probably not.

A. I do pay the baby sitter.

The Court: Is there anything else on that same subject matter you would like to call my attention to?

A. No, I don't think so.

The Court: Is there any reason from the nature of this case, the kind of case it is, a charge of grand larceny, why

you could not start into this trial as a fair and impartial juror?

A. No.

The Court: Is there any reason you know of at all why you could not be fair and impartial if you were to serve on this jury?

A. No, I don't think so, other than I would be anxious about the children at home.

The Court: Do you think that I should excuse you for that reason, thinking of all of the other people in your similar circumstances and all the matters I have mentioned?

A. Well, I would like very much to be excused.

The Court: I know that, but I think anyone with small children would like to be excused. That isn't quite my question. I don't wish to compel you without your free intention.

A. I don't know what to say, really. Yes, I think so.

The Court: You may be excused. The Clerk will call another juror.

[fol. 303] The Clerk: Peter Christian Petersen, Elliott Road, Route 3, Box 49, Bothell.

The Court: Be seated, sir. Mr. Petersen, were you in court yesterday and sworn with the rest of the jurors?

A. Yes.

The Court: Did you hear the Court's explanation of the case and the introduction of the parties and their counsel?

A. I did.

The Court: Did you hear the Court's reading of the list of witnesses?

A. Yes, sir.

The Court: Did you hear and understand the questions that I asked Mr. Morris yesterday?

A. Yes, the first one.

The Court: Which ones would you answer yes? →

A. Well,—

The Court: The first one you say?

A. Yes, the first one.

The Court: What others, if any?

A. I wouldn't make my mind up exactly what to answer to the others at the time I heard the case first.

The Court: I can't hear you.

A. I say I didn't make my mind up to the other ones.

The Court: Is there any reason because of the nature of this case, the kind of a case that it is, why you could not start into this trial without any bias or prejudice whatsoever?

A. No, sir.

[fol. 304] The Court: Considering all the matters that you have heard while sitting listening to the questions made, is there any reason why you could not try this case fairly and impartially?

A. No, sir.

The Court: Gentlemen, you may inquire.

Voir dire examination.

By Mr. Regal:

Q. Mr. Petersen, what kind of work do you do, sir?

A. I am a stonemason contractor.

Q. Stonemason?

A. Yes.

Q. And retired?

A. No, I still do.

Q. I didn't hear what you said. You said stonemason and something else.

A. Contractor.

Q. Contractor. All right. Are you in business for yourself?

A. Yes, sir.

Q. How long have you been in that business?

A. All my life. I started that trade when I was fourteen.

Q. Where did you start stonemason work?

A. In Denmark. Copenhagen.

Q. When did you come to this country?

A. I came here about around '29, and I come from Canada.

Q. When did you leave Denmark?

A. Oh, a long time since. It was 1912.

Q. And you went to Canada. How long did you stay in Canada? Until '29, is that right?

[fol. 305] A. Yes.

Q. You did the same kind of work there?

A. I am a general contractor and I did a lot of big jobs.

Q. You did a lot of other jobs besides stonemason?

A. I took a whole building. I done a lot of wholesale houses.

Q. Did you come from Canada to Seattle, Washington?

A. Yes, sir.

Q. This has been your home ever since?

A. Yes.

Q. When you came to Seattle did you start right in with this kind of work?

A. Yes, I start right out by myself.

Q. In your own business?

A. Yes.

Q. Have you ever belonged to a labor union during the period of your working life?

A. I belong right now.

Q. To the stonemasons' union?

A. Yes.

Q. What is the name of that union?

A. The Bricklayers, Stonemasons & Builders Union.

Q. You have been a member of that union for how long?

A. About forty years.

Q. Are you an active member in this organization?

A. I am sorry to say I don't go very often.

Q. You don't go to the meetings very often?

A. No.

Q. Have you ever held an office in that organization?

A. No, I have not.

[fol. 306] Q. Mr. Petersen, are you married?

A. Yes, sir.

Q. And does your wife work?

A. No, she never works.

Q. Has she ever worked?

A. No, not in the time I knew her.

Q. Since you married her?

A. No.

Q. Except housework?

A. Yes.

Q. You make her do the housework?

A. Yes.

Q. Do you have children?

A. Three.

Q. How old are they?

A. Between 30 and 40.

Q. Boys or girls?

A. Two girls and one boy.

Q. What do the girls do? Are they employed?

A. Well, the girls, one of them, she works in the doctor's office here in Seattle.

Q. Has she always done that kind of work?

A. No, she was supposed to be a school teacher. She went to college and she got married.

Q. And she quit school teaching then?

A. I don't think she ever started. She just went through college and then she got married.

Q. How about the other girl?

A. She is teaching down in Berkeley, California at the University.

[fol. 307] Q. Teaching down at Berkeley?

A. Yes.

Q. And the boy?

A. Well, the boy, he is something I don't approve of because I don't drink. He has a bar or saloon in Bremerton and I guess somebody has to do it.

Q. Does he run the organization? Is it a beer parlor?

A. I don't know. I don't pay very much attention to it because I never go there.

Q. You don't approve of his business so you don't contact him very much?

A. Oh, yes, I like him. He is a wonderful man.

Q. But you don't talk to him about his business?

A. No, no.

Q. Is it in Seattle here?

A. No, this is in Bremerton.

Q. In Bremerton?

A. Yes.

Q. Has he done any other kind of work prior to this?

A. My boy?

Q. Yes.

A. Well, he was in the real estate business before he got that.

Q. Salesman?

A. Yes.

Q. And does that pretty well cover it?

A. That is all he does.

Q. Real estate, and then went into this tavern business?

A. Yes.

Q. Now are the two girls married?

[fol. 308] A. No, that one down in California isn't.

Q. That one in Seattle is?

A. That's right.

Q. That's right; she got married and never went to teaching. What does her husband do?

A. He is working for the school.

Q. For the School Board?

A. Yes.

Q. What does he do?

A. Janitor.

Q. What school?

A. I do not know.

Q. How long has he been with the School Board?

A. He hasn't been there so long. About three years.

Q. What did he do before that?

A. He worked for Buick, the automobile company.

Q. What is his name?

A. Lee.

Q. Lee?

A. Yes.

Q. What other kinds of work has he done?

A. You mean for the automobile company?

Q. Well, prior to that?

A. I don't think he did anything. He has done that for a long time.

Q. Has there ever been any disagreement or problems in your family with your children or in-laws, your son-in-law, regarding unions or union activities?

A. No.

Q. You have no problems there at all?

[fol. 309] A. No.

Q. You have no prejudice in a case of this nature one way or the other?

A. No, sir.

Mr. Regal: Pass Mr. Petersen for cause, Your Honor.

Mr. Burdell: Before I interrogate Mr. Petersen, Your Honor, although it isn't the exact time, I wonder if I could have between a five and ten minute recess to consult with Mr. Regal about a matter.

Mr. Regal: I have no objection, Your Honor.

The Court: In order to expeditiously handle the matter, the Court will accede to the request.

Ladies and gentlemen, you may retire to the jury room.

Mr. Burdell: Thank you, Your Honor.

The Court: Court will recess for five minutes.

(Recess.)

The Court: Bring in the jury, please.

(The following proceedings were had in the presence of the jury.)

Voir dire examination.

By Mr. Burdell:

Q. Mr. Petersen, in connection with your membership in the union, have you had any experience at all which would make you in any way prejudiced toward union officers?

A. No, sir, not a thing.

Q. And have you as a result of hearing reports or reading [fol. 310] newspapers, any feeling in your mind of prejudice toward Mr. Beck?

A. No, sir.

Mr. Burdell: Pass Mr. Petersen for cause.

The Court: The defendant may specifically examine Juror No. 5 with reference to the Retail Clerks matter.

Voir dire examination.

By Mr. Burdell:

Q. Mr. Goff, yesterday I asked you if you knew whether or not the Retail Clerks Union was a part of the Teamsters' Union and I think you said you had no knowledge on that?

A. That is right.

Q. Is that still correct? You have received no information since then which would give you any knowledge on that score at this point, have you?

A. No. Since we have been talking about it, I remember going down to the hall, taking my wife down where she took out her membership, and I think the Teamsters Union is located in the same place.

Q. Are you under the impression at this point that the Retail Clerks' Union is in any way affiliated with the Teamsters' Union?

A. I would judge from its location that it must be in some form.

Q. And, Mr. Goff, you are aware, are you not, I guess we discussed this yesterday, but this is a matter in which Mr. Beck is charged with misuse of Teamsters' Union [fol. 311] funds or an affiliate of the Teamsters' Union. You are aware of that situation, are you not?

A. Yes.

Q. So that if you had the belief that the Retail Clerks' Union is part of the Teamsters' Union, you would understand that this case involves misuse of funds which were or may have been contributed to the Teamsters' Union by members of the Retail Clerks' Union?

A. I hadn't thought of it in that way, but I guess that would be true.

Mr. Regal: Your Honor, I didn't hear that last statement Mr. Burdell made. I think it contained erroneous material.

Mr. Burdell: Let's have the Reporter read it.

(The last question was read aloud by the Reporter.)

Mr. Burdell: I think under 444.180, subsection 4, Mr. Goff would have to be excused.

The Court: The prosecution may if it desires examine Mr. Goff on the same question.

Voir dire examination.

By Mr. Regal:

Q. Mr. Goff, you have no knowledge as to whether or not the Retail Clerks is a member of or is affiliated with the Teamsters' Union?

A. Nothing that I could swear to except by supposition.

Q. You had the feeling because merely when you took your wife down to pay her dues, you dropped her off at a building that was the Teamsters' building?

[fol. 312] **A.** Yes, that was the building.

Q. You don't know whether that building is used by other labor unions that are not affiliated or not?

A. That is right, I do not know.

Q. You have no firsthand knowledge at all on that score as to whether there is an affiliation between the Retail Clerks and the Teamsters?

A. I can't remember any instance that would tie them together.

Q. Do you have a belief now that it might be or that—rather, it might be but that it is connected in some fashion with the Teamsters' Union?

A. I do at the present time, during the last fifteen minutes.

Q. Mr. Burdell construed that thought to your mind by some of his questions?

A. That is right.

Q. You never had any feeling like that before?

A. No.

Q. As a matter of fact, if you knew there was no affiliation you would cease to have that belief?

A. That is right.

Q. That belief has been instilled in your mind by questions asked by Mr. Burdell?

A. That is right.

Mr. Regal: I would have no objection, Your Honor, if Mr. Burdell wanted to inform the juror of the state of facts.

The Court: He may do so.

Mr. Burdell: I guess we can stipulate there is no connection [fol. 313] at all between the Retail Clerks' Union and the Teamsters' Union except that they do have offices in the same building.

The Court: Has there ever been such a connection?

Mr. Burdell: There has never been any connection.

The Court: Any further questions?

Mr. Regal: No, Your Honor.

The Court: Mr. Burdell?

Mr. Burdell: No, I don't have any.

Mr. Regal: Is Mr. Burdell's challenge now before the Court?

The Court: The challenge is before the Court. It will be denied. Defendant's third peremptory challenge.

Mr. Burdell: Just a moment, Your Honor. The defendants will excuse Juror No. 3, Your Honor.

The Court: Juror No. 3. Please step down. The Clerk will call another juror.

The Clerk: Lloyd F. Allen, 10452 Northeast 113th, Kirkland.

The Court: Mr. Allen, were you present in court yesterday and sworn with the rest of the jurors?

A. Yes, I was.

The Court: Did you hear the Court's brief explanation of the case and the introduction of the parties and counsel?

A. Yes.

The Court: Did you hear the Court's reading of the list of witnesses?

[fol. 314] A. Yes.

The Court: Did you hear and understand the questions I asked the juror, Mr. Morris, yesterday?

A. Yes.

The Court: In answer to any of those questions I asked him, would you have answered them yes?

A. The first one.

The Court: That you heard of this case before?

A. Yes. I think it was about the fourth one, too, about being impartial. Due to events that have transpired in the past to me personally, I feel I couldn't be impartial.

The Court: Do these matters concern your membership or association with some union of some kind?

A. Yes.

The Court: You say that have affected you personally?

A. Yes.

The Court: Would it take evidence on behalf of either party to remove that impression from your mind?

A. There is no connection with this case in particular with the events in the past.

The Court: Do you now relate your impression to this defendant in this case?

A. No.

The Court: Gentlemen, you may inquire.

Voir dire examination.

By Mr. Regal:

Q. Mr. Allen, what kind of work do you do, sir?

A. Supervisor, Boeing Airplane Company.

[fol. 315] Q. How long have you been at Boeing's?

A. Almost 17 years.

Q. And are you a member of the Aeronautical Mechanics' Union?

A. I was, yes.

Q. You were, but as a supervisor you are not at the present time?

A. That is right.

Q. Were you active in that union?

A. I was never an officer of that union, no.

Q. You were an active member, went to meetings?

A. I attended some meetings, yes.

Q. During the period of time that you were at Boeing's and in the past—what I am trying to do, I am stumbling, I realize that, but I am trying to word it this way so that we don't go into specific instances and say things we shouldn't, you and me both. This feeling of prejudice or animosity, can we describe it as that?

A. Partly, yes.

Q. That is directed against Mr. Beck and the Teamsters' Union?

A. Yes.

Q. And do you feel that—there was one very important question that the Court asked as a general question and you didn't say that you would have answered that in the affirmative but that was the question, if you were in Mr. Beck's position, or in my position, would you want twelve jurors in your frame of mind trying the case?

A. No.

[fol. 316] Mr. Regal: I ask that the juror be excused, Your Honor.

The Court: You may be excused, sir. The Clerk will call another juror.

The Clerk: Joyce Waddell, 1627 72nd Southeast, Mercer Island.

The Court: Is it Miss or Mrs. Waddell?

A. Mrs. Waddell.

The Court: Mrs. Waddell were you in court and sworn with the rest of the jurors yesterday?

A. Yes, I was.

The Court: Did you hear the Court's general explanation of the case and the introduction of the parties?

A. Yes.

The Court: Did you hear and understand the questions I asked Mr. Morris yesterday?

A. Yes.

The Court: Would you have answered any of those questions by a yes?

A. Yes, at least two of them.

The Court: Which ones?

A. That I have heard of the case and I have an opinion formed and I don't think I would be a fair juror.

The Court: You may be excused.

A. Thank you.

The Court: The Clerk will call another juror.

The Clerk: Robert N. Moe, 4253—145th Southeast, Bellevue.

The Court: Mr. Moe, were you present in court and [fol. 317] sworn with the rest of the jurors yesterday?

A. Yes, I was.

The Court: Did you hear the Court's explanation of the case generally and the introduction of the parties and counsel?

A. Yes, I did.

The Court: Did you hear the Court's reading of the list of witnesses?

A. Yes, I did.

The Court: Did you hear and understand the questions I asked Mr. Morris yesterday?

A. Yes.

The Court: Would you have in response to any of those questions, have answered them by a yes?

A. Yes, I would have the first one.

The Court: That you have heard of this case before?

A. Yes.

The Court: Yes. All right. Any others?

A. Three things came to my mind last night. One, I went back to my office and went through our expiration card files and I find Mr. Beck's son does have some insurance business through my firm. I also know that Mr. Beck signed my diploma at the University, this Mr. Beck.

Mr. Regal: Your Honor, I feel the juror shouldn't state specific reasons why he might be influenced.

The Court: That is well taken. The question I want to know is; is there presently today any impression remaining in your mind from matters you mentioned which would [fol. 318] require evidence by either side to remove?

A. No.

The Court: Is there anything about the nature of the case here, the charge of grand larceny, that would prevent you from starting into this trial without any bias or prejudice?

A. No.

The Court: Now considering all of the matters that occurred here in court in your presence and the questions that have been asked by the Court, particularly, and the questions asked by Counsel, do you have any reason whatsoever now to feel that you could not try this case fairly and impartially?

A. No.

The Court: Gentlemen, you may inquire.

Voir dire examination.

By Mr. Regal:

Q. Mr. Moe, what work do you do, sir?

A. I am an accountant at D. K. McDonald & Company.

Q. Are you a CPA, sir?

A. No, I am not.

Q. You took your accounting work at the University of Washington?

A. Yes, I did.

Q. When did you graduate, sir?

A. 1950.

Q. Are you married, Mr. Moe?

A. Yes.

Q. Do you have children, sir?

[fol. 312] A. Yes.

Q. How many?

A. Two.

Q. How old are they?

A. Two and four.

Q. Does your wife work?

A. No, she does not.

Q. Has she ever worked while you have been married to her?

A. Yes, she has.

Q. What kind of work has she done?

A. School teaching and also working at the University.

Q. In the office out there?

A. Yes.

Q. What teaching has she done? Was it in this area?

A. Yes, just briefly in Portland and over in Issaquah.

Q. Grade school?

A. Junior High.

Q. Junior High. How long have you been with D. K. McDonald?

A. I am in my fourth year.

Q. You went there after you came out of school?

A. No, four years after, or three years.

Q. What did you do in the interim?

A. I was the manager of the Students Cooperative at the University of Washington.

Q. Now the fact that you carry insurance on the defendant's son is not going to have any effect on your verdict in this case, is it?

A. None whatsoever.

Q. Your firm might even carry insurance on Mr. Burdell [fol. 320] or on me? You didn't check the records on that?

A. It is quite possible. I couldn't get through them that quick.

Q. You don't know the defendant personally?

A. No.

Q. Do you know Mr. Burdell or any of his associates personally?

A. No.

Q. Mr. Carroll or any of his deputies?

A. No.

Q. You have heard of some of the people, have you not?

A. Yes, since.

Q. Without specifying, do you know any of the witnesses that were named personally?

A. When I was at the University Kiwanis Club there was a fellow by the name of Logan, and I think his name was Lutz.

Q. That is Logan Lutz. He is an accountant?

A. I don't know.

Q. He is an older man; he is not your age?

A. I can't tell you just how old he was or anything. It has been three years.

Q. You just knew and met him once, is that right?

A. He would be at meetings. There were about 130 members.

Q. He is an accountant so it is possibly the same man or maybe a relative of his?

A. That is possible.

Q. That is not going to influence you one way or another? You wouldn't accept his testimony more readily than anyone else's merely because of your acquaintanceship there?

[fol. 321] A. No.

Q. How long have you lived in this area, Mr. Moe?

A. I was born in the State of Washington.

Q. And you went to school, all of your schooling was here in the State of Washington?

A. Yes.

Q. Have you ever lived in any other state for any period of time other than when you were in the service?

A. No.

Q. And your wife, was she born here too?

A. She was born in North Dakota.

Q. Has she lived in any other states?

A. Briefly in Oregon and then in Washington.

Q. How old are you, Mr. Moe?

A. 36.

Q. Are your parents alive?

A. Yes.

Q. What does your father do?

A. He is an invand in a rest home.

Q. Your mother, is she employed?

A. No.

Q. What kind of work did your father do?

A. He worked for a warehouse firm in Wenatchee.

Q. Was he a member of any union?

A. No.

Q. Have you ever had any connection with a union in any way?

A. I think I had a work permit prior to the war in Bremerton for about three months.

[fol. 322] Q. This experience you had there probably would not influence you one way or another in a case of this nature?

A. No.

Q. At the present time there is no problem at all, no question in your mind that you couldn't be fair and impartial in this case?

A. That is true.

Mr. Regal: Pass Mr. Moe for cause, Your Honor.

Voir dire examination.

By Mr. Burdell:

Q. Mr. Moe, in your accounting work can you tell me in a general way what type of accounting you do?

A. Yes. I have accounts receivable and I have credit and commissions and I also keep accounts.

Q. Is your accounting work done manually or do you use—

A. We have machines.

Q. —machines. I think you said something about Mr. Beck having signed your diploma. Is that when you graduated from the University of Washington?

A. Yes.

Q. When you graduated. That is when he was a member of the Board of Regents?

A. Yes.

Q. You mentioned that fact, but I don't think Mr. Regal asked you about it. That fact, I take it, would not affect your verdict one way or another in this case?

A. No.

Q. Was there something else you had in your mind? You don't have to state it necessarily, or probably you shouldn't, [fol. 323] but I think you were about to mention a third thing. Whatever it is, is there any possibility that that might affect your verdict one way or another?

A. No, I can't think of it right now. I just wanted to be fair and tell everybody everything.

Q. Everything we might be interested in?

A. Yes.

Q. Whatever it is, you don't think it would affect your verdict?

A. No.

Q. I assume you have followed reports in the newspapers and on television concerning Mr. Beck's problems with the McClellan Committee?

A. Yes, I have.

Q. And you have heard assertions and charges made by members of that committee in the course of the hearings?

A. Yes, I did.

Q. Let me ask you this. Would you accept those assertions as true in the sense that you now have any belief in your mind which would affect your consideration of this case in any way?

A. No, I do not.

Q. Did you observe the television proceedings at the time Mr. Beck appeared before the committee?

A. If they would come on at news time I might have and if I was watching television, it is quite possible I did.

Q. You don't recall any specific instance?

A. I don't recall specific instances.

Q. You think I can be satisfied, Mr. Moe, that if I had twelve jurors like you, I would have an impartial jury?

A. Yes, I think you could.

[fol. 324] Mr. Burdell: I will pass Mr. Moe.

The Court: The State's fourth peremptory challenge.

Mr. Regal: May I have just a moment, please, Your Honor?

The Court: You may.

Mr. Regal: The State will accept the jury, Your Honor.

The Court: Defendant's fourth ~~peremptory~~ challenge.

Mr. Burdell: The defense will excuse No. 11, Mr. Vallance.

The Court: Mr. Vallance, will you step down, please? The Clerk will call another juror.

The Clerk: Charles Hickling, 17 Enetai Drive, Bellevue.

Mr. Regal: Would you spell the address, please?

Mr. Hickling: E-n-e-t-a-i.

The Court: Be seated, sir. Mr. Hickling, were you present in court and sworn with the rest of the jurors yesterday?

A. No, I wasn't.

The Court: Will all of the jurors in the panel who came to the courtroom today please stand. I see all such jurors are occupying the first two rows. Will you please be seated. Are there any among you who were at any time previous to today present in this courtroom during the trial of a case entitled State v. Dave Beck, Jr.? If so, please stand. This is the case of State v. Dave Beck, Jr. Were you [fol. 325] present in this courtroom?

Voice: I was in for about fifteen minutes in the afternoon.

The Court: You may be excused, sir, and return to the Department of the Presiding Judge. May I have your name, sir?

Voice: Arthur Neimier.

The Court: Will the jurors who have not yet been sworn, all of those in the courtroom who came down today, please stand, raise your right hands, and be sworn.

(Prospective jurors sworn.)

The Court: Please be seated. I see that it is one minute before the morning recess. I want to instruct all of the jurors on the panel, those who have been here and those who came today, during recess until further instructions from the Court you are not to discuss any matter directly

or indirectly connected with this case among yourselves or with any other person. The jury in the box may now retire to the jury room. Court will be at recess until 11:15.

(Recess.)

[fol. 326] CHARLES HICKLING (whereupon, promising to true answer make to questions propounded to him touching upon his qualifications to act as juror, was duly sworn.)

The Court: Please be seated. Will the jurors who have just been sworn on the panel, Mr. Hickling and those in the front two benches of the court room, please give me your close attention. We are now involved in the process of selection of a jury in this case and examination concerning the qualifications of individuals called to be sitting on this particular jury. To that end, I will in a moment explain the general nature of this case, some of the factors involved, and then will ask Mr. Hickling questions for him to respond. Those questions are also at the same time directed to the rest of you in the court room, so I ask your particular attention to all these matters so that if called, you may refer back in your minds to those questions and respond to them.

This is a suit entitled State of Washington, plaintiff, vs. David D. Beck, also known as Dave Beck, defendant, brought by an indictment of the Grand Jury of this county stating as follows:

"David D. Beck, also known as Dave Beck, is accused by the Grand Jury of the County of King, State of Washington, by this indictment, of the crime of Grand Larceny, committed as follows:

He, the said David D. Beck, also known as Dave Beck, in the County of King, State of Washington, on or about the third day of February, 1956, then and there having [fol. 327] in his possession, custody or control as agent, bailee, employee, servant, officer or trustee, certain personal property, to-wit: the sum of \$1900.00 lawful money of the United States, the property of the Western Conference of Teamsters, an unincorporated association organized as a labor union, the said \$1900.00 being derived

from the sale to one Martin B. Duffy on or about the thirtieth day of January, 1956, of one 1952 Cadillac automobile, motor number 526004746, the property of said Western Conference of Teamsters, the said David D. Beck, also known as Dave Beck, in the County of King, State of Washington, on or about the third day of February, 1956, then and there did wilfully, unlawfully and feloniously secrete, withhold or appropriate the said \$1900.00 to his own use with intent to deprive and defraud the owner thereof;

Contrary to the statute in such case made and provided, and against the peace and dignity of the State of Washington."

To this indictment and charge, the defendant has entered a plea of not guilty. Endorsed as witnesses to the indictment in this case are the following: M. J. Devine, Frank E. Dutton, M. B. Lake, Martin B. Duffy, Donald D. McDonald, Ken Eline, David L. Forrest, Alfred Roger Hill, Charles V. Leaf, Carl E. Houston, Ludwig Lobe, Samuel B. Bassett, Frank W. Brewster, Marcella M. Guiry, William H. Marx, Russell Schley, Louise Sartor, E. E. Hepper, J. J. David, Roger Jones and William F. Devin.

Before asking specifically for answers from Mr. Hick [fol. 328] ling, I wish to ask all of you to indicate by raising your hand how many have not tried or participated as a juror in a trial of a criminal case during this term? Have not. Thank you. How many have not participated in the trial of a civil case during this term? Thank you. One hand was raised. When was your first day of service, madam?

Voice: The 12th of November.

The Court: And you have not been through a trial of any case?

Voice: I have had two criminal cases; I have had no civil cases.

The Court: I beg your pardon. I did not notice your hand. Is there anyone present in the jury who has not sat through any kind of a case from the beginning to the end?

Now, I will direct my questions to Mr. Hickling for answers at this time but charge you again to pay close at-

tention to them in the event you may be called to answer them later. Before I do that, first I would like to introduce to you those participating in this case, brought by the State of Washington, as I have mentioned and represented by the Prosecuting Attorney for King County, Mr. Charles Carroll. Mr. Carroll? Assisted by Deputy Prosecutor Mr. Laurence Regal and by Deputy Prosecutor Mr. Charles Smith. The defendant, Mr. David D. Beck. Mr. Beck? Thank you. Represented by Mr. Charles Burdell. Mr. Burdell? And assisted by Mr. John Keough. Thank you, gentlemen.

Now, to Mr. Hickling.

[fol. 329] Questions asked of Mr. Hickling by the Court:

Q. Have you heard of this case before?

A. Yes.

Q. Do you know the defendant?

A. No, I don't.

Q. Do you know any of the counsel that has been introduced to you in this case?

A. No, I don't.

Q. In order that I may preface some other questions, I wish to point out to you at this time that the trial of a criminal case is different from that of a civil case in two very important respects. First, in a civil case, the plaintiff must prove his case by a fair preponderance of the evidence, which merely means a greater weight of the evidence, while in a criminal case, on the other hand, the State must prove its case beyond a reasonable doubt, which is a far greater degree of proof. Secondly, furthermore in a civil case, ten may agree upon a verdict whereas in a criminal case the law requires that all twelve agree upon a verdict. It is presumed that when a juror has been selected and accepted by each side that the jurors will keep their minds open until the case is finally submitted to them and it is presumed that the jurors will accept the instructions of the Court as to the law, regardless of the fact and whether the juror may or may not agree with the law. The juror is required to accept the law as ex-

pressed by the Court as being the law and applying it. The juror must base his decision therefor upon the law as declared by the Court and the facts garnered from [fol. 330] the evidence submitted in the case in the Court, and base his decision upon this law and the facts uninfluenced by any other consideration.

Now, the purpose of questions on the examination of jurors, which process we are now presently engaged in, is to determine whether or not the jurors have that frame of mind. The Court asks some general questions and then the Court will permit each side to ask questions of the jurors concerned on that subject matter of your qualifications to sit upon this particular jury.

Now, again, to Mr. Hickling, do you have any information regarding the offense here charged?

A. No, I haven't.

Q. Have you talked with anyone who claimed to have had any first-hand information regarding the offense here charged?

A. No, I haven't.

Q. Has anyone ever expressed to you an opinion as to the guilt or innocence of the defendant?

A. Yes.

Q. Was such expression concerned with this particular charge?

A. No.

Q. Now, perhaps you may have read about this matter in the newspapers or you may have heard something about it directly or indirectly on the radio or perhaps you have heard and seen something about it on the television or that situation may perhaps exist with respect to those means of communication with respect to the matter here [fol. 331] charged or other matters. Before I question you on that subject, I wish to explain that the mere fact that you may have read in the newspapers or heard on the radio or seen and heard on the T.V., an account of the alleged crime or of some other matter directly or indirectly which are not connected does not necessarily in and of itself disqualify you from serving as a juror. To hold that would mean that a juror could not read or see or hear and that, of course, by the statement would be im-

proper and sounds ridiculous. People who just by the mere fact of reading or hearing or seeing public media are not by that reason excluded.

The test, therefore, is not whether you have read or heard or seen something about it in that nature but whether if drawn on the jury, you are able to enter upon the trial with an open mind and disregard what you have read or heard or seen on T.V. and decide the issue here entirely and purely upon the evidence received at the trial and the instructions of the Court as to the law. Or, to put the idea another way, it would be done by asking the question, "Do you now have an opinion or impression as to the guilt or innocence of the accused which would require evidence to remove from your mind?"

If you do have such an opinion or impression, neither side should have the burden of having to remove from your minds any preconceived opinion or a biased opinion previously formed. All persons know that impressions they have received from what they have read in the newspapers or heard on the radio or heard and seen on television are not [fol. 332] always true and would not rest a decision upon such an impression without a much more formal and more convincing type of proof.

Now, in the context of that explanation, if you, Mr. Hickling, from what you have read or heard or seen do feel that you have in your mind an opinion as to the guilt or innocence of the defendant or such an opinion as would require evidence to remove, please say so.

A. I really have not had too much interest in the matter at all. I don't believe I have enough interest or have not had enough interest in the case to form any opinion or any other—

Q. And you would answer that question, "No?"

A. No.

Q. All right. Have you, Mr. Hickling, ever been a member of any organization associated with the Western Conference of Teamsters?

A. No.

Q. Have you or anybody closely associated with you been a member of the Western Conference of Teamsters or any union?

A. Yes.

Q. And has that association or that membership, will that have any influence or impression upon you to prevent you from being fair and impartial in this case?

A. No.

Q. Before I ask the next question, I would like briefly to explain that the Court has decided that the jury in this case, as is provided by law in criminal cases, will be during [fol. 333] the process of the case confined and not allowed to separate. Now, I or no person is able to say how long the case will extend. It can only be said with certainty that it would be a reasonable time in consideration of the person's jury service and jury duty. During such confinement, the jury will not be allowed to have newspapers or radio or television or books or magazines or reading material. The accommodations for jurors are supervised by the Court and are in a comfortable arrangement in this building for sleeping and personal attention, and meals are in restaurants or hotels, first-class, within the area. I can say I am sure that there is everything done for your comfort that can be done reasonably so, and that the only discomfort might possibly be whatever there is, if there is some, from being confined together with a group of people in some way in a dormitory situation.

During that time, of course, previous to the confinement, the Court will allow and will help you obtain such things of a personal nature you need for your needs during the entire period of time. During the confinement you will be allowed to communicate through the bailiffs for anything further you may need or with your families or they with you, with respect to your personal needs and their care and comfort.

Is there anything about that situation, Mr. Hickling, that you feel is different than the imposition that we well recognize all jurors in their service experience that would prevent you from serving on this jury?

[fol. 334] A. No.

Q. Is there anything, Mr. Hickling, about the nature of this case, the kind of case it is, the charge of grand larceny and a criminal case, that would cause you to start in the trial with any bias or prejudice either one way or the other?

A. No.

Q. Do you know of any reason at all why you could not try this case impartially?

A. There was one name mentioned, I heard you refer to those names before, Russell Schley. That isn't Colonel Schley, is it?

Mr. Regal: No, your Honor. That is an accountant and actually the name is pronounced "Sly."

A. No, there isn't.

Q. Spelled S-e-h-l-e-y, an accountant. Would you be willing, Mr. Hickling, and in this question I want to ask you to make some assumptions and each of the other jurors present make the assumptions, if you were in the position of the prosecuting attorney here charged with the responsibility of handling this case for the State or in the position of Mr. Burdell and his associates and defendant's counsel and could look into the minds of the twelve jurors in the jury box as you can look into your own minds, would you be willing to submit a case of like importance and seriousness to you as such counsel to twelve men and women in the same frame of mind as you are in at this time and feel sure that you would have a fair and impartial trial?

A. Yes.

The Court: Gentlemen, you may inquire.

[fol. 335]

Questions of Mr. Hickling by Mr. Regal:

Q. Mr. Hickling, you heard the questions that were asked by me to the other jurors while you have been in the room here?

A. Yes.

Q. And you heard the questions asked by Mr. Burdell, also?

A. Yes.

Q. You have understood the questions clearly?

A. Yes.

Q. What we are both driving at?

A. Yes.

Q. Do you know of any reason after recalling those questions why you would not be fair and impartial in this case?

A. I would certainly be fair and impartial as to the evidence as presented, yes, I would.

Q. You have no preconceived notions, ideas or prejudices that might interfere with your judgment in any way?

A. Not—no.

Q. Mr. Hickling, what work do you do?

A. I am a supervisor at Boeing Airplane Company.

Q. How long have you been there, sir?

A. Twenty years.

Q. How long have you been a supervisor?

A. Fourteen years.

Q. You were supervising during the spring in 1948?

A. '47, '48, yes, I was.

Q. '47, '48, and did you go off work for a while there?

A. No.

Q. Were you connected in any way with the union trouble that was going on at that time?

.

[fol. 336] A. Yes.

Q. What kind of work?

A. She was an accountant for Fisheries Supply.

Q. And how long did she work at that?

A. Nine years.

Q. And did she have any contact or connection with unions during that period of time?

A. No, she was not a union member, no.

Q. And had no supervisory capacity there?

A. No.

Q. Have you served on a jury, you haven't served on a jury trying a criminal case?

A. I haven't.

Q. But you have served on a jury trying a civil case?

A. Yes.

Q. Second or fourth week?

A. With the recess, this would be my third week.

Q. Actually your second week of duty?

A. This would be my second week of duty, yes.

Q. You said that there was some close association with someone who is connected with the Western Conference of Teamsters, or was that your answer?

A. No, just my friends that are union members. I believe everybody has friends that are union members. That is the only connection I have.

Q. You have associates who are Teamsters and members of other unions?

A. That's right.

Mr. Regal: Pass Mr. Hickling for cause, your Honor.

[fol. 337] Questions of Mr. Hickling by Mr. Burdell:

Q. Mr. Hickling, I may be wrong, but don't you have some other occupation besides—aren't you connected with Miss Seattle in some way?

A. Yes, I am a driver of Miss Seattle, yes.

Q. Now, these friends who are—if you are a driver, that means you are a part owner of Miss Seattle?

A. No, I strictly just drive the boat for the people that own it or control it.

Q. I see. The friends of yours who are union members, do you know whether or not any of them are members of the Teamsters Union?

A. Yes, one of the fellows that lives about two doors from me is a bus driver for the Bellevue System and he is a Teamster.

Q. Have you ever had any conversation with him about his union activities or whether or not he has any hostility towards the Teamsters Union?

A. No.

Q. As far as you know, then, is he the only one that you know of that is a member of the Teamsters, that you can think of at this time?

A. I believe that some of the people in my shop at Everett are Teamster members. I don't make a practice of defining between the two.

Q. In any event, you have no discussions with them, I take it, which would affect your feeling towards Mr. Beck, towards the Teamsters Union?

A. No.

Q. You said something before of having heard expressions of the guilt or innocence of the defendant in this case. From whom did you receive those expressions?

[fol. 338]

A. From general talk, people that I have talked with and associated with and naturally they express their opinions one way or the other.

Q. Yes, and have you expressed any such opinion yourself?

A. Yes, I have.

Q. And has that been in an opinion adverse or hostile to the defendant?

Mr. Regal: I don't think that is a proper question, Your Honor.

The Court: Objection sustained.

Q. Well, is that an opinion, I think we are talking about an opinion of guilt or innocence, your Honor. Have you, yourself, expressed any opinion of the guilt or innocence of the defendant?

A. Well, any opinion that I have expressed is based solely on what I have heard or seen on the television. I wouldn't want to go on record as saying it would be any evidence that I know of. I have never expressed any opinion.

Q. Well, the point is, if you have an opinion I have to know about it.

A. Naturally. I see.

Q. And if you have expressed one, why that leaves me to believe that perhaps you do have one. At the present time, do you have any opinion as to the guilt or innocence of the defendant?

Mr. Regal: Your Honor, I think it should be limited to this case.

[fol. 339] The Court: I think that is fair, Mr. Burdell. Rephrase the question.

Mr. Burdell: Yes.

Q. I am referring to this case, Mr. Hickling.

A. I have not expressed any opinion as to this particular case.

Q. I see. The opinion you have expressed then has been opinions or an opinion related to other assertions or charges which have been made concerning or about Mr. Beck?

A. That's right.

Q. Is that correct?

A. That's right.

Q. Now, would the opinion that you have expressed concerning other matters have any effect at all in your consideration of the guilt or innocence of the defendant in this particular case?

A. That is a hard question to ask, because I don't have any evidence that these assertions that have been placed against Mr. Beck are true.

Q. Well, I know you don't. I am aware of that. But I am concerned because of the fact that you say you might have expressed opinions. Let me ask you this, then. Whatever opinions you have expressed, can I be sure that they are qualified by the fact that that is, as you now say, you are not sure whether or not they were true or not sure whether your opinions are based upon any real evidence?

A. That's right. Any opinion I have expressed is strictly not on any evidence or any knowledge I have, any evidence.

[fol. 340] Q. Do you think that you could completely disregard whatever reports or assertions have been made about Mr. Beck as far as this case is concerned and just treat them as if you have never heard them?

A. Certainly, yes.

Q. And do you think that you can and will understand that the fact that other assertions have been made is not to be considered by you in any way as affecting your verdict in this case; in other words, I want to be sure you are not going to feel somehow or other that because you might find that the defendant is not guilty in this case on these facts you won't in any way be influenced by the fact that you may have had some other assertion or charge which is not being tried here. Can I be pretty sure of that?

A. Yes, you can, because I have really not had very much interest in Mr. Beck or the case, so that is my frame of mind.

Q. All right, I will—just a minute, your Honor. Just to be—so we will know what the situation here is, Mr. Hickling, Mr. Keough has worked at the pits, he is my associate in the office and in the office there, and I don't think you know him but perhaps you recognize him.

A. I have seen him, yes, I have.

Mr. Regal: Worked where?

Mr. Burdell: In the pits.

Mr. Hickling: Gold Cup.

Mr. Regal: Oh.

The Court: Pass for cause?

Mr. Burdell: Yes, I did, your Honor.

[fol. 341] The Court: Bring in the jury, please.

(The following occurred in the presence of the jury:)

[fol. 342] The Court: State's fourth peremptory challenge.

Mr. Regal: The State will accept Mr. Hickling as a juror, Your Honor.

The Court: Defendant's fifth peremptory challenge.

Mr. Burdell: Your Honor, I guess I will excuse No. 5.

The Court: Will you step down, please? The Clerk will please call another juror.

The Clerk: Edna N. Whittle, 4103 Chilberg Avenue.

The Court: Miss or Mrs.?

The Juror: Mrs.

The Court: Were you present in court and sworn with the rest of the jurors today?

The Juror: Yes, sir.

The Court: Did you hear the Court's reading of the indictment and introduction of the parties and counsel and explanation of the case and the witnesses?

The Juror: Yes, sir.

The Court: Did you hear and understand the questions that the Court asked Mr. Hickling?

The Juror: Yes, sir.

The Court: In answer to any of those questions if posed to you, would you have answered any of them yes?

The Juror: Well, yes, I have heard of the case.

The Court: Heard of the case before. Any others?

The Juror: I have heard so many questions and answers, but I don't think so.

[fol. 343] The Court: All right. Do you know the defendant?

The Juror: No.

The Court: Do you know any of the counsel that I mentioned and introduced?

The Juror: No.

The Court: Are you or anyone closely associated with you a member or member of an organization associated with the Western Conference of Teamsters?

The Juror: No, sir.

The Court: Are you or anyone closely associated with you a member of any union of any nature?

The Juror: No, sir.

The Court: Is there anything about your personal life and arrangements that it would be an undue imposition upon you to serve upon this jury because of the confinement?

The Juror: Well, it wouldn't be easy but it is possible.

The Court: Now, having in mind the remarks that I made concerning reading or seeing or hearing something about this or some associated matter or not associated matter concerned with the name of the defendant or unions, the matter of having read things or heard them in the public communications, radio, newspapers, or TV, do you feel that you have in your mind an opinion as to the guilt or innocence of the defendant or such an opinion that it would require evidence to remove?

The Juror: No, sir.

The Court: Is there anything about the nature of this [fol. 344] case, the kind of case it is, grand larceny, criminal case, that would cause you to start in the trial with any bias or prejudice whatsoever?

The Juror: No, sir.

The Court: Do you know of any reason why you could not try this case impartially?

The Juror: None.

The Court: Gentlemen, you may inquire.

Voir dire examination.

By Mr. Regal:

Q. Mrs. Whittle, are you employed?

A. No, sir.

Q. What does your husband do, ma'am?

A. He is a CPA.

Q. How long has he been a CPA?

A. Since he was 21.

Q. All right. That is the work he has been doing all the time since he got out of school?

A. No, no, he worked for the government before I knew him though, and he was with a construction company in California.

Q. What kind of work did he do there?

A. He was an accountant.

Q. But he has done accounting work all during his working life?

A. As far as I know.

Q. As far as you know?

A. Yes.

Q. Have you ever worked?

[fol. 345] A. Yes.

Q. What kind of work have you done? By that I mean, of course, working for salary and wages. I do not mean working in the house.

A. I was a secretary for an insurance company before I was married.

Q. I see; what company was that?

A. Crowley Insurance Agency in Salt Lake City.

Q. In other words, not in Seattle?

A. No.

Q. Was that the only job that you have held or have you had other jobs of a like nature?

A. Similar, before that one.

Q. But all office work?

A. Yes, sir.

Q. Any of them involve belonging to a union?

A. No, sir.

Q. And your husband has never belonged to a labor union?

A. No, sir.

Q. Ever been any conflict or anything else associated with labor unions during your experience?

A. What do you mean, "associated"?

Q. Well, no conflict of any kind, no connection with it in a business way?

A. Well, yes. My husband's firm, I am not sure, they have made an audit of unions.

Q. I see. What firm is it?

A. Whittle & Whittle.

Q. Did they make an audit of the Western Conference of Teamsters?

[fol. 346] A. Yes, sir.

Mr. Regal: Your Honor, there is a bare possibility that a Mr. Whittle will be called as a rebuttal witness in the event that certain things develop. I think maybe if Counsel agrees Mrs. Whittle should be excused. Your husband is the only Whittle?

The Juror: His father also.

Mr. Regal: I think we have been in contact with Mr. Whittle, Your Honor, and—

Mr. Burdell: So have I, Your Honor.

Mr. Regal: Yes, we both have.

The Court: Excuse Mrs. Whittle.

The Juror: Thank you.

The Court: The Clerk will call another juror.

The Clerk: Theodore Hultman, 1804 Ninth Avenue.

The Court: Mr. Hultman, were you in court and sworn with the rest of the jurors?

The Juror: Yes.

The Court: Did you hear the Court's explanation of the case briefly and the introduction of the parties and counsel?

The Juror: Yes.

The Court: And the reading of the names of the witnesses?

The Juror: Yes.

The Court: Did you hear and understand the questions that I asked Mr. Hickling?

The Juror: Yes.

The Court: In answer to any of those questions if they had been made to you would you have answered yes?

[fol. 347] The Juror: Well, I have seen television and radio—

The Court: Heard of the case before?

The Juror: Yes.

The Court: Any of the other questions?

The Juror: No.

The Court: Is there anything about the nature of this case, the kind of case it is, that would make you start into this trial with any bias or prejudice one way or another?

The Juror: No.

The Court: Do you know of any reason why you could not try this case fairly and impartially?

The Juror: No.

The Court: Thank you. It is time for the noon recess. I will remind the jury of my charge concerning conversing with each other or any other person. You will now be excused in time to return for court session at 1:30 this afternoon.

(Whereupon, a recess was had until 1:30 o'clock P.M.)

[fol. 348]

AFTERNOON SESSION

1:30 o'clock P.M.

December 4, 1957.

The Court: Bring in the jury.

(The following occurred in the presence of the jury:)

The Court: Please be seated. This will be the examination of Mr. Hultman by Mr. Regal.

Voir dire examination.

By Mr. Regal.

Q. Mr. Hultman, what kind of work do you do, sir?

A. I work in the sawmill.

Q. What sawmill is that?

A. Seaboard.

Q. Seaboard?

A. Yes.

Q. Is that in Ballard?

A. No, that is in the south end of town.

Q. What kind of work do you do there, sir?

A. I haven't worked—I have been in the hospital. I just came out with my leg. I used to work on the greenchain. I will be doing something else now, I guess.

Q. Were you injured at your work?

A. No, it was some other trouble I had.

Q. You say some other physical ailment you had?

A. Yes.

Q. What is your health now? Is it satisfactory?

[fol. 349] A. I am not too strong for work yet.

Q. What sort of ailment did you have, sir?

A. I had a vein operation.

Q. Varicose vein operation?

A. Yes.

Q. What sort of work did you do in the sawmill?

A. Greenchain.

Q. Greenchain?

A. Yes.

Q. What is that?

A. That is pulling lumber.

Q. How long have you worked in the sawmill?

A. Not here, but I worked twenty years, thirty years, off and on.

Q. In this kind of work?

A. Yes.

Q. Have you worked at any other occupation other than sawmill work?

A. Longshoring once in a while when I was off of work.

Q. What else, Mr. Hultman?

A. That is about all. I generally worked in the mill.

Q. Do you belong to a union in the sawmill?

A. Yes.

Q. What union is that?

A. Sawmill union.

Q. Is that affiliated in any way with the Teamsters' Union? _____

A. No.

Q. There have been no disputes between the two unions at no time that you know of?

A. Not since I have been here. I guess there was years ago.

[fol. 350] Q. You have no feeling in this case related to that?

A. No, I haven't.

Q. Are you an active union member?

A. Well, no, I just go to meetings sometimes.

Q. You are not an officer of the union?

A. No.

Q. You have never held any office?

A. No, I haven't.

Q. When you have done longshore work, do you belong to the longshoremen's union?

A. No, I just go down a day or so.

Q. You get a work permit?

A. Yes.

Q. Are you married, sir?

A. No.

Q. Have you ever been married?

A. No.

Q. How old are you, Mr. Hultman?

A. Fifty years old.

Q. And this address, 1804 Ninth Avenue, is that your own home?

A. No, that is a hotel.

Q. How long have you lived there?

A. About fourteen months.

Q. Where did you live before that?

A. 1722 Minor.

Q. Is that an apartment?

A. Yes.

Q. How long have you lived in this area, Mr. Hultman?

A. Eleven years.

[fol. 351] Q. Where did you come from?

A. Idaho, Coeur d'Alene.

Q. Is that your home, in Idaho?

A. Yes.

Q. Were you born and raised there?

A. I was raised there but I was born in Chicago.

Q. In Chicago. Idaho, Chicago and Washington are the three states you have spent time in?

A. Yes.

Q. Have you ever been in the service?

A. No.

Q. Have you served on a jury trying a criminal case before?

A. No, I haven't.

Q. On civil cases?

A. Yes.

Q. What was the nature of that case?

A. There were different ones.

Q. More than one case?

A. Yes.

Q. Is this your fourth week?

A. Yes, this is my last week.

Q. You say that you are going back to work as soon as you are through here?

A. Yes.

Q. And you don't know what kind of work it will be but it will be in the mill?

A. Yes.

Q. Now have you or any member of your family or any close friend or relative ever been involved in any way in a criminal matter? That is, as a victim, a witness, or any [fol. 352] other manner?

A. No, I haven't.

Q. What members of your family are out here?

A. Just a half sister.

Q. A half sister?

A. Yes. My brother is in Idaho.

Q. Do you know Mr. Burdell or any of his associates?

A. No, I don't.

Q. Do you know Mr. Carroll or me or any of the deputies?

A. No.

Q. You don't know any of the witnesses we have named personally?

A. No, I don't.

Mr. Regal: Pass Mr. Hultman for cause, Your Honor.

Voir dire examination.

By Mr. Burdell:

Q. Mr. Hultman, has there been anything in connection with your union membership which has caused you to feel bitter or to have any prejudice of any sort toward union officials?

A. No.

Q. Your union membership has been satisfactory as far as you know?

A. Yes.

Q. Now I think you said something about having had conversations with other members about some problem between the Teamsters and the Sawmill workers?

A. I have heard some talk about it but not much. I don't [fol. 353] pay much attention to it. It was before my time.

Q. I don't know what that is.

A. I don't either.

Q. Whatever it is, has it caused you in any way to have any resentment or bitterness toward the officers of the Teamsters' Union?

A. No.

Q. Do you have any form, any source, Mr. Hultman, any resentment or feeling of bitterness toward the Teamsters' Union or toward Mr. Beck?

A. No.

Mr. Burdell: Pass Mr. Hultman.

The Court: The State's fourth peremptory challenge.

Mr. Regal: The State will excuse Mr. Hultman, Your Honor.

The Court: Mr. Hultman, will you step down, please.
The Clerk will call another juror.

The Clerk: Frank A. Walton, 1533 30th Avenue South.

The Court: Mr. Walton, were you present in court and sworn with the rest of the jurors today?

A. I was, Your Honor.

The Court: Did you hear my general explanation briefly of the case and the introduction of the parties and counsel?

A. Yes, sir.

The Court: Did you hear the reading of the names of the witnesses that the Court read?

A. Yes.

[fol. 354] The Court: Did you hear and understand the questions I asked Mr. Hickling when I examined the jurors today?

A. Yes.

The Court: If those questions had been posed to you as I am now posing them to you, would you have answered yes to any of them?

A. Yes.

The Court: Which ones, sir?

A. I have heard of the case.

The Court: That is the first question.

A. I have been present when conversation was had regarding this case.

The Court: Any other questions that I asked that you would have answered yes?

A. I can't recall all of them, Your Honor.

The Court: Is there any reason because of the nature or kind of case this is that you would start into this trial with any bias or prejudice whatever?

A. Not that I know of.

The Court: Do you know of any reason at all from all that you have heard transpire while you have been a juror why you could not try this case impartially?

A. No, I do not. I have been affiliated with the union here for some years.

The Court: Does that change the answer to your question? Do you think that makes you anything but impartial?

A. I don't think it would. I should state to you that I did have a working permit out of the Teamsters' Union at [fol. 355] one time in 1946.

The Court: Gentlemen, you may inquire.

Voir dire examination.

By Mr. Regal:

Q. Mr. Walton, state what kind of work you do now, sir.

A. Postal clerk.

Q. How long have you been with the Post Office department?

A. Eleven years.

Q. In 1946 you say you had a work permit to work as a teamster or swamper on a truck?

A. No, I was employed by the Yellow Cab Company at that time and I had a working permit to drive a cab.

The Court: Would you speak just a little bit louder, please, so that this gentleman can record you?

By Mr. Regal:

Q. Mr. Walton, did anything occur during that period of time that would prejudice you one way or another? When I say "one way or another," I mean either for the State or against the defendant?

A. No, nothing.

Q. There is nothing in your experience that is going to upset you or prejudice you, nothing you can remember is going to affect your verdict in this case?

A. Yes.

Q. What kind of work did you do before that?

A. I was a musician.

Q. Where was that, sir?

A. All over the country.

Q. Did you play for any orchestra?

A. Yes, with several, and I had my own for a number of [fol. 356] years around here.

Q. What sort of music did you play? Was it popular or long-haired?

A. Popular.

Q. You played in a dance orchestra?

A. That is correct.

Q. What was the name of your own orchestra?

A. It was under my name for a while and then I was a partner with a man named Blackwell. It was Blackwell & Walton.

Q. You played at various night spots in Seattle?

A. We played at night spots. Primarily we did work for the schools. We worked at the University and at high schools.

Q. You played for school dances?

A. That was mostly the work we did.

Q. What instrument do you play?

A. Trumpet.

Q. We had another musician but I guess he is not here any more. Mr. Walton, have you served on a jury trying a criminal case before?

A. No, I haven't.

Q. Is this your second or fourth week?

A. This is my last week, my fourth week.

Q. You say this is your last week. If it happens that this case goes over into next week, that is not going to cause any great consternation in your mind so that you will be impatient with counsel and myself?

A. No.

Q. Or impatient in reaching your verdict? You are not [fol. 357] going to compromise because you want to get away?

A. No.

Q. You understand that they don't pay overtime and this is likely to go into next week?

A. Yes.

Q. Now are you married, Mr. Walton?

A. I am.

Q. Do you have children?

A. No children.

Q. Does your wife work?

A. She does.

Q. What does she do?

A. She is a clerk for the Army out at Pier 91.

Q. How long has she been with the Army?

A. About a year and a half.

Q. What did she do before that?

A. Housewife.

Q. That has been during your married life?

A. That is right.

Q. You got her to work a year and a half ago?

A. Yes.

Q. Mr. Walton, have you, any member of your family, any close friend or relative ever been involved in any way in a criminal case? That is, as a witness, a victim, or in any other manner?

A. Yes.

Q. Do you have relatives in this area other than your wife and yourself?

A. I have one cousin.

Q. Is it a boy or a girl, man or woman?

[fol. 358] A. It is a man.

Q. What kind of work does he do?

A. He works at Sand Point. He is a head waiter out there.

Q. Are you in close contact with him?

A. Not too close. I see him about twice a year.

Q. I see. That is not very close. Well, do you know counsel on either side?

A. No.

Q. You do not know me or Mr. Smith or any member of Mr. Carroll's staff, any of the other members?

A. No.

Q. You heard the questions that I asked all the other jurors and they are about the same lines that I have asked you, and you have heard the questions Mr. Burdell asked. Have you understood all of them?

A. Yes.

Q. Is there any reason at all after examining the sub-

conscious of your mind that you couldn't be a fair and impartial juror in this case?

A. No.

Mr. Regal: Pass this juror for cause.

Voir dire examination.

By Mr. Burdell:

Q. Mr. Walton, how long did you have the work permit—is that what you call it? Sort of a temporary membership?

A. That is right.

Q. With the Teamsters' Union?

A. About seven or eight months.

[fol. 359] Q. Why did you leave that particular employment?

A. I had already taken the postal examination and at this time the job opening came up.

Q. I see. Your leaving that employment had nothing to do with union membership or anything of that sort?

A. No.

Q. Were your experiences with the Teamsters' Union during that period of time wholly satisfactory?

A. Oh, yes. It was just a matter of going to the union office, picking up the permit, and that is all there was to it.

Q. You didn't have any difficulty in obtaining it or anything of that sort?

A. No.

Q. What is the union you belonged to?

A. Local 493, American Federation of Musicians.

Q. How long have you belonged to the American Federation of Musicians?

A. Since 1927.

Q. Was Mr. Petrillo head of it then?

A. No.

Q. He is now, is he not?

A. He is now.

Q. Have your relationships with the officers of that union been satisfactory?

A. Yes.

Q. I suppose, Mr. Walton, that you have heard discussions about this particular case?

A. In a small way.

Q. Have you yourself any opinion about the guilt or [fol. 360] innocence of the defendant in this case?

A. No, I do not.

Q. Have you had discussions or heard reports about Mr. Beck and the Teamsters' Union in connection with other affairs or other claims of misconduct of one sort or another?

A. Well, I have heard reports and I have heard discussions right along the line, but I believe most of it was hearsay. I did see him on TV some time ago and I have read a little bit in the papers, but that is all.

Q. Have you formed any opinion at all concerning Mr. Beck as a result of those reports which is going to require some evidence to be introduced by me to remove or to overcome that opinion?

A. No, I do not have no opinion.

Q. You do not form opinions based on hearsay, I gather?

A. No, I don't believe so.

Mr. Burdell: We will pass this juror for cause.

The Court: The defendant's sixth and last peremptory challenge.

Mr. Burdell: May I have a moment, Your Honor?

The Court: Certainly.

Mr. Burdell: I am going to excuse Mr. Woods, Your Honor.

The Court: Mr. Wood, would you step down, please. The Clerk will call another juror.

The Clerk: Anna E. Harold, 2423 Spencer Street.

The Court: Be seated, ma'am. Is it Miss or Mrs.?

A. Mrs.

The Court: Mrs. Harold. Were you present in court [fol. 361] and sworn with the rest of the jurors in this matter?

A. Yes, I was.

The Court: Did you hear the Court's brief explanation of the case and the introduction of the parties and counsel?

A. I did.

The Court: Did you hear the Court's reading of the names of the witnesses?

A. Yes, I did.

The Court: Did you hear and understand the questions that the Court put to Mr. Hickling this morning?

A. Yes, I did.

The Court: If those questions were put to you at this moment, would you answer any of them yes?

A. Yes, I would.

The Court: Which ones?

A. The first one.

The Court: That you have heard of the case before?

A. Yes, I have.

The Court: And any others?

A. I can't remember just all that was asked. If you would repeat some of them.

The Court: Certainly. Are you or any member of your family or close associates of yours a member of any organization connected with the Western Conference of Teamsters?

A. My husband belonged to the Teamsters' Union right [fol. 362] after the war, in 1945.

The Court: Is he now a member of the Teamsters' Union?

A. No, he is not.

The Court: Is there anything about the fact that the jury may be or shall be confined in this matter that would be a burden upon you that you could not serve?

A. Well, I have a boy 16 years old that is in high school and he would be at home alone.

The Court: Do you feel that would cause you or upset you in any way?

A. If I could find someone to stay with him nights I would feel better.

The Court: Do you and he live alone now?

A. Yes, we do.

The Court: Do you have a home of your own or an apartment?

A. We have a home of our own.

The Court: Have you on any other occasion left him alone for a period of time, say three or four days?

A. Only when he was little. I was sick and my sister had to take care of him then.

The Court: Are you presently employed?

A. No, not at present.

The Court: Do you know the defendant in this case?

A. No, I do not.

The Court: Do you know any of the counsel that have been introduced to you?

A. No, I do not.

[fol. 363] The Court: Or any of the witness' names that I have read?

A. No, I do not.

The Court: With reference to the remark the Court made regarding things in the newspaper or hearing them on the radio or hearing and seeing them on television, have you read or heard something of this case or other matters connected with the defendant on any of those media?

A. I have listened to the news and sometimes the news has been on but I haven't paid much attention to it.

The Court: From what you have heard or read or seen in that fashion, do you have an opinion as to the guilt or innocence of the defendant, that is, such an opinion as would require evidence to remove?

A. No.

The Court: Is there anything about the nature or kind of case that this is that would cause you to start into the trial with any bias or prejudice whatsoever?

A. No.

The Court: Do you know of any reason at all from all of the background you have heard while in attendance upon this case, why you could not try this case impartially?

A. I do not.

The Court: Gentlemen, you may inquire.

Voir dire examination.

By Mr. Regal:

Q. Mrs. Harold, you say your husband was a member of [fol. 364] the Teamsters' Union right after the war?

A. Yes, he was.

Q. For how long?

A. I don't recall how long.

Q. Was it a matter of years?

A. Yes, it was a few years but just how long I couldn't tell you. He started in the jewelry business for himself after that.

Q. What kind of work did he do prior to the war, ma'am?

A. Just anything that he could find to do. I couldn't just exactly say what that would be. He worked as a longshoreman and just anything that he could get.

Q. Was he active in any of the unions that he belonged to?

A. No, he just belonged to the union, paid his dues.

Q. And this jewelry business, was that in Seattle?

A. Yes, it was.

Q. Is your husband deceased now?

A. No, he is not. He is in Spokane in business.

Q. What kind of business is he in over there?

A. He is still in the jewelry business but he is really a watch repairman now.

Q. Have you ever worked, Mrs. Harold?

A. Yes, I have.

Q. What kind of work have you done?

A. I was an alteration lady and I worked in quite a few of the department stores here in Seattle.

Q. That is on women's clothing?

A. Yes, and I also did monogramming.

Q. How long did you work in that profession?

A. Oh, I suppose about eight years. Then I took sick [fol. 365] and I couldn't work any more.

Q. How is your health now?

A. Pretty good.

Q. You say you have a 16-year-old boy at home?

A. Yes.

Q. He is going to school now?

A. Yes.

Q. Does he work at any job?

A. Yes, he does have a job on Saturdays.

Q. What does he do?

A. He works at Buchan's Bakery on Saturdays.

Q. Inside the bakery?

A. Yes.

Q. He doesn't have to belong to a union?

A. Not that I know of. No, he does not.

Q. If you were held together a week to ten days without being able to see him and contact him, would that upset you to the extent that you would be unable to objectively listen to the evidence in this case?

The Court: I think that question contains one slight inaccuracy as to not being able to contact. Jurors may contact through the bailiff.

By Mr. Regal:

Q. By contact I meant being able to see him. I mean being able to see that he took care of the things he had to take care of, carry out the ashes, is that going to upset you, Mrs. Harold, to the extent you are not going to be able to concentrate as a juror should on the evidence and be patient with both counsel and with the court and with the other jurors in your deliberations later?

[fol. 366] A. No, it would not if I can find somebody that can stay with him nights.

Q. Did you try to do that last evening?

A. No, I did not because I had no idea I would be called today.

Q. I see. This panel came down today.

A. Yes.

Q. The panel that was here yesterday, they were told they should make arrangements. I thought possibly you were in that group.

A. No, I was not.

Q. How long would it take you, Mrs. Harold, to find out whether you could have somebody check to see whether they would look in on the boy or take care of him while you were gone? Could you do it by telephone call?

A. Not right now. The party I think I could get is working during the days but she probably could stay at night.

Q. Is that a relative of yours?

A. No, just a close friend.

Q. I see. At the present time, what is your frame of mind? Are you upset because you are here and maybe held together if you are selected as a juror and you will have to do the contacting through a bailiff?

A. No, that is all right.

Q. It doesn't upset you now?

A. No.

Q. You are not going to be impatient with us and the Court?

A. No, I am not.

Q. Have you sat on a jury trying criminal cases before, Mrs. Harold?

[fel. 367] A. No, I haven't.

Q. Is this your second or fourth week?

A. My second week.

Q. Is Seattle your home city or have you lived elsewhere?

A. Yes, I was born in eastern Washington, Wapato, Washington, and I have lived in Norway for about nine years, was raised in Norway, and I came back and lived in Seattle for about ten years. I went to China, lived in China for about three years. Since 1940 I have lived in Seattle.

Q. When you lived in China and in Norway, that was with your family?

A. When I was in Norway it was with my family but when I was in China I was a missionary and I lived there two and a half years and was married in China.

Q. How long were you a missionary?

A. Oh, close to three years.

Mr. Regal: Pass Mrs. Harold for cause, Your Honor.

Voir dire examination.

By Mr. Burdell:

Q. Mrs. Harold, what was your husband's occupation during the period that he was a member of the Teamsters' Union?

A. He worked in the shipyard.

Q. In a shipyard?

A. Yes.

Q. So far as you know, were his relationships with the union and the union officers satisfactory?

A. As far as I know it was fine.

[fol. 368] Q. You don't know of any disputes he might have had with any union officer, do you?

A. No, not to my knowledge.

Q. As a result of his membership, do you in your own mind have any feeling of bitterness or prejudice or hostility toward officers of unions?

A. I belong to a union myself.

Q. What union do you belong to?

A. The Retail Clerks' Union. That is A F of L.

Q. And what about your own experience? Has your own experience been satisfactory so far as your union membership is concerned?

A. Yes, it has. Right now I have not a discharge but I am out on leave because I was sick.

Q. There is nothing about your union membership, your union experience, which would cause me to worry about any prejudice you might have about union officers?

A. No.

Q. I think you said you had heard about this case?

A. Yes, I have.

Q. Have the things you heard caused you to have any opinion about, let us say any opinion of prejudice or hostility at all towards Mr. Beck?

A. No.

Q. And you haven't formed any opinion about this case at all?

A. No, I haven't.

Q. The things that you have heard, have you heard that mostly from discussions with friends or relatives or has it been mostly news reports?

[fol. 369] A. It has been news reports and a few people have asked me how I stood and I told them that I wouldn't know. I would have to hear the case first.

Mr. Burdell: Pass this juror for cause.

The Court: The State's fifth peremptory challenge.

Mr. Regal: The State has a challenge, I think, Your Honor, to Mr. Walton and also to Mr. Hultman. We will accept both of those jurors, Your Honor.

The Court: The jurors in the box will please rise. Raise your right hands to be sworn and please give close attention to the oath.

(Whereupon, the jury was duly sworn by the Clerk.)

The Court: Please be seated. In accordance with RCW 10.49.070, it is the opinion of the Court that the trial is likely to be a protracted one requiring the selection of an alternate juror, one in number. Under the statute in such event the State will have one peremptory challenge and the defense will have two. The Clerk will please call a juror for such alternate.

The Clerk: Margareth Fogg, 10017 Third Southwest.

The Court: I wonder if I may trouble you to move forward just a bit. Please be seated. Is it Miss or Mrs. Fogg?

A. Mrs.

The Court: Were you in the courtroom today and sworn with the rest of the jurors?

A. I was.

[fol. 370] The Court: Did you hear the Court's general explanation of the casé and the introduction of parties and counsel?

A. Yes, I did.

The Court: And the reading of the names of the witnesses?

A. I did.

The Court: Did you hear and understand the questions I asked Mr. Hickling?

A. I did, but I can't say that I remember them.

The Court: Have you ever heard of this case before?

A. I have, yes.

The Court: Have you, or are you or any close member of your family or close associate of yours a member of the Western Conference of Teamsters or any affiliated organization?

A. No, my husband is a member of the Barbers' Union.

The Court: Is there anything about the fact that the jury will be confined in this case that will prevent you from serving?

A. Not that will prevent me. I can't say I like it.

The Court: That wasn't quite the question I asked you. It is not going to be a burden upon you that would be different than other citizens doing their jury duty?

A. No.

The Court: Do you know the defendant in this case?

A. No, I do not.

[fol. 371] The Court: Do you know any of the counsel that I have introduced to you?

A. No, I do not.

The Court: Do you have any information regarding the offense that is here charged?

A. Well, I have slightly.

The Court: Any direct information?

A. No.

The Court: You are not a witness to anything that—

A. No.

The Court: Have you talked with anyone who claimed to have had any firsthand information regarding this offense?

A. No.

The Court: Has anyone ever expressed to you an opinion as to the guilt or innocence of the defendant as to this charge?

A. No.

The Court: You will recall for the moment the remarks that I made at the time I was addressing Mr. Hickling concerning reading matters in the newspaper directly or indirectly connected with the case.

A. Yes.

The Court: Or on the radio or on TV.

A. Yes.

The Court: I would like to ask you that question, to the effect that do you consider or have in your mind now an opinion as to the guilt or innocence of the defendant, an opinion that would take evidence to remove?

[fol. 372] A. I am not sure of myself on that. I am trying, but I am not sure whether I am prejudiced or not. Not sure on the guilt or innocence because I haven't really known what it is about.

Mr. Regal: Your Honor, I couldn't hear the answer. I wonder if we could have it read.

The Court: The Reporter will read the answer, please.

(The answer was read aloud by the Reporter.)

The Court: Is there anything about the nature or kind of case this is, the charge of grand larceny, it being a

criminal case, that would make you start into the trial with any bias or prejudice whatever?

A. No, not at all.

The Court: Could you speak just a little louder, please, as if you were speaking to Mr. Regal, the gentleman at the table. Do you know of any reason at all for your present impression and state of mind? You see what I am inquiring about, could you try this case impartially?

A. That is what I don't understand. I have seen him on TV and I wanted to shake him or something, but I wouldn't know.

The Court: The question isn't about that. The question is about this case.

A. Whether I feel animosity or not?

(Laughter.)

The Court: Any outward expression in this courtroom other than authorized by the Court, no matter how innocent it may seem, will result in either the eviction of the [fol. 373] person or persons involved or will result in a matter of contempt for confinement in the county jail.

Suppose, Mrs. Fogg, that you were in the position of the Deputy Prosecuting Attorney charged with trying this case for the State of Washington, or suppose that you were in the position of Mr. Burdell charged with representing the defendant in this case and you could look into the twelve jurors' minds as you can look into your own mind, would you be willing to submit a case of like importance and seriousness to twelve men and women in the same frame of mind you are in at this moment?

A. I don't think I would.

The Court: You may be excused. The Clerk will call another juror.

The Clerk: Harry S. Dodds, 1727 Belmont.

The Court: Mr. Dodds, were you present in court and sworn with the rest of the jurors today?

A. Yes, I was.

The Court: Did you hear the Court's general explanation of the case and the reading of the indictment and the names of the witnesses and the introduction of parties and counsel?

A. Yes.

The Court: Would you speak just a little louder, just as if you were speaking to the gentlemen at the table.

A. Yes.

The Court: Did you hear and understand the questions I asked Mr. Hickling?

[fol. 374] A. Yes, I did.

The Court: In response to those questions if put to you now, would you answer any of them in the affirmative, by a yes?

A. Well, I have heard about the case.

The Court: That is the first question. You have heard of the case before?

A. Yes.

The Court: Any of the other questions would you have answered them yes?

A. No, sir.

The Court: Is there anything about the nature or kind of case that this is that would make you start into the trial with any bias or prejudice one way or another?

A. No, sir.

The Court: Do you know of any reason why you could not try this case fairly and impartially?

A. No, sir.

The Court: Gentlemen, you may inquire.

Voir dire examination.

By Mr. Regal:

Q. Mr. Dodds, I know the Clerk read your address but I would like it again.

A. 1727 Belmont Avenue.

Q. 1727 Belmont?

A. Right.

Q. And Mr. Dodds, what is your employment?

A. I work for Boeing's as a timekeeper.

[fol. 375] Q. How long have you been employed at that?

A. Slightly over two years.

Q. How old are you, Mr. Dodds?

A. 38.

Q. Are you married, sir?

A. No, sir.

Q. Have you ever been married?

A. No, sir.

Q. What sort of work did you do, before you went to Boeing?

A. I worked as an accountant for an importing firm in Honolulu. I am from Hawaii.

Q. Were you a CPA or just an accountant?

A. No, sir, just an accountant.

Q. How long did you work there?

A. I worked there from 1938 until 1941. I was in the Navy for four years and then I went back as an accountant after the war in 1945.

Q. Have you done any other kind of work during your working life?

A. I sold new cars for about six months.

Q. What kind of cars did you sell?

A. Ford cars.

Q. Where was that?

A. In Honolulu.

Q. What is your home city?

A. Here, now. I have been here two years but I was born over there.

Q. In Honolulu?

A. Yes.

Q. And your family are all over there?

[fol. 376] A. All over there. I have relatives in Victoria, quite a few relatives. That is one of the reasons I have settled here.

Q. I see. But you have done accounting work and this other thing you mentioned, selling cars, and you are now a timekeeper at Boeing's. That covers your working life so far, is that it?

A. Yes.

Q. Have you ever belonged to any labor union during that period of time?

A. No, sir.

Q. Have you ever had any connection at all with labor unions in your work other than just with people who belonged to them?

A. No, sir.

Q. I have run out of questions with you in a hurry. You are not married and have no children so I can't ask you about all that. Have you ever been involved or has any member of your family or any of your close friends ever been involved in any way in a criminal case, that is, as a victim or as a witness or in any other manner?

A. Well, I have a brother who was a lieutenant on the Honolulu police force and he was in court once accused of accepting a bribe.

Q. Were you there at the time?

A. I was in there for a time watching it.

Q. Without telling us anything specific about the outcome of that case, were you completely satisfied with the situation or did you carry away some bias, some prejudice, some feeling?

[fol. 377] A. I was completely satisfied.

Q. And you felt and you feel now that nothing happened then that would prejudice you one way or another here against the State or against the defense in this case?

A. That is right.

Q. You don't know Mr. Burdell or any of his associates, do you?

A. No, sir.

Q. You don't know me or Mr. Carroll or anyone connected with the Prosecutor's office?

A. No.

Q. You don't know any of the witnesses whose names were read?

A. No, sir.

Mr. Regal: That list was read to the jurors, wasn't it, Your Honor.

The Court: It was.

Mr. Regal: Pass Mr. Dodds for cause, Your Honor.

Voir dire examination.

By Mr. Burdell:

Q. Mr. Dodds, how long has it been that you have worked at Boeing's?

A. Slightly over two years. October, 1955.

Mr. Burdell: We will pass Mr. Dodds for cause, Your Honor.

Mr. Regal: I didn't hear that question.

Mr. Burdell: I asked how long he had been at Boeing's and he said since October, 1955.

The Court: The State's peremptory challenge.

[fol. 378] Mr. Regal: Is the State first on this inasmuch as they have two and the State has one? I thought the defense was first. It doesn't make any difference. I am just curious. We will excuse Mr. Dodds, Your Honor.

The Court: The Clerk will call another juror.

The Clerk: John W. Evans, 2844 60th Southeast, Mercer Island.

The Court: Mr. Evans, were you present in court and sworn with the rest of the jurors today?

A. I was, Your Honor.

The Court: Did you hear the Court's general brief explanation of the case and the introduction of parties and counsel?

A. I did.

The Court: Did you hear the Court's reading of the list of witnesses?

A. I did.

The Court: Did you hear and understand the questions I put to Mr. Hickling subsequent to that explanation I made?

A. I did.

The Court: If I were to put those questions to you now individually, would you answer them, any of them, in an affirmative with a yes?

A. Yes, I would.

The Court: Which ones?

A. The first one, the third one, and the sixth one.

The Court: The first one, as to whether or not you have heard of the case before?

[fol. 379] A. That is right.

The Court: What is the next one?

A. I believe whether I was or if I knew any of counsel.

The Court: Yes. Whom do you know?

A. I don't exactly know them although I can identify Mr. Regal. I was in court several times when he was present and I believe on one occasion I have met Mr. Burdell, although I don't know either of them.

The Court: The meeting with Mr. Regal, as I understand it, was a courtroom association?

A. That is correct.

The Court: The meeting with Mr. Burdell, if it did happen, was a business or social meeting in your recollection?

A. It was actually neither. Just sort of a passing.

The Court: Was there anything about that relationship with either of these gentlemen that would cause you any embarrassment to sit as a juror in this case?

A. None.

The Court: Now any of the other questions that I asked, would you have answered any of them in the affirmative?

A. I believe there was a question whether I had heard anybody make any statement as to the guilt or innocence.

The Court: Did anybody make any statement, first-hand information, of Mr. Beck's guilt or innocence?

A. The answer is no.

The Court: I assume, and am I correct in assuming that your remark of hearing statements refers to something in the newspaper or on TV or radio?

[fol. 380] **A.** Social group discussions, offering opinions.

The Court: Is there anything about the nature of the case, the fact that grand larceny is charged or that it is a criminal case that would make you start out in this trial with any bias one way or another?

A. No.

The Court: In view of all that has transpired with respect to my examination of the jurors and with respect to counsel's examination of jurors, do you know of any reason why you could not try this case fairly and impartially?

A. No.

The Court: Gentlemen, you may inquire.

Voir dire examination.

By Mr. Regal:

Q. Mr. Evans, how long have you been on jury duty?

A. This is my fourth week.

Q. You have never served on a case that I tried?

A. I believe that is correct.

Q. But you have been in the courtroom when I have been trying a case?

A. Yes, I have been called on the original panel of eighteen.

Q. The Court asked you whether or not that association would embarrass you. Would that association embarrass me?

A. I don't believe so.

Q. Your association with Mr. Burdell, was that in a business way or social?

A. Practically neither. Just in passing. I was introduced to him. You would call it social, I would imagine.

Q. You were not able to form any lasting impression that might influence you in this case?

A. None whatsoever.

Q. What kind of work do you do?

A. I am employed by the General Insurance Company.

Q. What work is that? What do you do for them?

A. I am in charge of the rate filing department. It is the department that operates as the liaison between the companies and the insurance commissioners of each state.

Q. How long have you been with General Insurance?

A. Since 1940.

Q. That is about seventeen years. That pretty well covers your working career, doesn't it?

A. Just about. There were several years during that time I was out in the service and prior to that time I worked in a lumber mill in Canada.

Q. Are you an American citizen?

A. Born in the United States.

Q. Your stay in Canada was just a visiting worker?

A. No, I lived there for sixteen years.

Q. For sixteen years?

A. Yes.

Q. How old are you, Mr. Evans?

A. 37.

Q. And how old were you when you lived in Canada?

A. From the age of four until the age of twenty.

Q. Then you came back to this country?

A. That is correct.

[fol. 382] Q. Have you lived in Seattle all the time?

A. Outside of the war years and four years in Tacoma.

Q. What schooling have you had, Mr. Evans?

A. High school.

Q. And you have been with General Insurance for seventeen years?

A. That is correct.

Q. Did you hold a job with General Insurance at any time that required or that would require you to belong to a union?

A. No.

Q. You never did?

A. No.

Q. Have you ever belonged to a labor union?

A. No.

Q. Have you ever had any experience with labor unions at all that would influence you in this case?

A. No.

Q. Are you married, Mr. Evans?

A. Yes, I am.

Q. Do you have children, sir?

A. Three children.

Q. How old are they?

A. 13, 14 and 2.

Q. Does your wife work?

A. No, she doesn't.

Q. Has she ever worked since you have been married?

A. No, not since we have been married.

Q. Did she work prior to her marriage?

A. Yes.

[fol. 383] Q. Do you know the nature of the work she did?

A. I believe during the war she was an electrician's helper out at the airport.

Q. That is about all you know about her work?

A. Yes.

Q. Nothing occurred as far as her work is concerned that would tend to influence you one way or another in this case?

A. No.

Q. Is this your second or fourth week?

A. Fourth week.

Q. Have you sat on a jury trying a criminal case before?

A. I have.

Q. What was the nature of that case, sir, or those cases if it was more than one?

A. Only those that went to the jury?

Q. Yes.

A. Only one. It was a negligent homicide case. The others were four charges involving drunk in public, reckless driving, driving while intoxicated, and driving without a license.

Q. That was in Justice Court or a Police Court appeal?

A. That is correct.

Q. Did anything occur during the course of those trials that would tend to prejudice you against anyone?

A. No.

Q. Or against the prosecuting officials, whether it be city or state?

A. No.

Mr. Regal: Pass Mr. Evans, Your Honor, for cause.

[fol. 384] Mr. Burdell: We will accept Mr. Evans. Perhaps I had better ask a question or two for Mr. Regal's benefit.

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[fol. 1262] ARGUMENT BY MR. BURDELL ON
BEHALF OF DEFENDANT (EXCERPTS)

Mr. Burdell: Counsel, Your Honor, Ladies and Gentlemen of the Jury, • • •

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[fol. 1263] I think, for example, when Mr. Devin testified he intended and tried and meant to tell the truth about these statements made by Mr. Beck in the Grand Jury room when Mr. Beck came down when this transaction was first revealed in the public press.

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[fol. 1266] I am going to try to summarize this case just as sincerely and as honestly and conscientiously as my heart and spirit will let me. I think I can do it. I think I can do it.

Now one of the things that you told me when I asked you questions in connection with this impanelment of the jury,

one of the things you told me was that you could consider this case on its merits and that you would not be influenced, you would not be biased, you wouldn't be prejudiced, by the rumors and the gossip and the frenzied, insane propaganda that could have been created only by somebody with the insanity of a Goebels has created about Mr. Beck. You told me you could consider this case as a \$1900 larceny case. I pray that you can do that.

It will be difficult for you, I know, because I know that no matter what you told me, no matter what you told me, your minds must be subconsciously influenced by the tremendous amount of unfavorable publicity that has been circulated about Mr. Beck, almost to the point of saturation of the public press and the radio and the newspapers, repeated and repeated and repeated; the Nazi system.

It is tremendously difficult not to be impressed by these things but I pray that you can consider this case as nothing more than a \$1900 larceny case and I will show you it isn't even that. It is not an effort to get Dave Beck or [fol. 1267] it shouldn't be an effort to get Dave Beck or it shouldn't be considered as the first opportunity that anybody has had to put Dave Beck in jail. This case is just like any other \$1900 grand larceny case. He should not be convicted because he is the president of the International Brotherhood of Teamsters. He should not be convicted because some group of United States senators find it convenient all of a sudden to utilize the airways and the radio and the television and the newspapers to somehow make some political capital and make political gain. He should not be convicted because the International Brotherhood of Teamsters is a powerful organization or because you think it is too big or too strong. Standard Oil Company was once too big and too strong and too powerful but nobody ever put John D. Rockefeller in jail for supposedly stealing \$1900 just because the Standard Oil Company was a gargantuan monopoly with too much power and too much strength.

[fol. 1273] He probably never heard of Duffy until this matter came up. Duffy testified that he had never seen or talked to Dave Beck until he got on the witness chair and

was facing Dave Beck, but nevertheless Mr. Beck testified, as he did before the Grand Jury, as he did before the Grand Jury without a lawyer, without a judge, in the presence of four representatives of the Prosecuting Attorney, Mr. Beck testified that, yes, he authorized the sale of that car. He authorized the sale of that car.

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[fol. 1280] You must realize by now, too, this is a sort of an interesting thing. I wonder if some of you by now haven't discovered why it is important for people to take the Fifth Amendment. I used to wonder about that myself when I was on the prosecution side of the table, which I was for a number of years. I used to get just as inflamed and incensed about people asserting their rights under the Fifth Amendment as Larry Regal does. I couldn't understand it. Why aren't they willing to come in and talk? I know now. I know now. I know that every time you open your mouth the English language is not precise enough for you to express just exactly what you mean or for you to understand just exactly what the interrogator means or for you to have an exact meeting of the minds. You must see this in your everyday life. You tell your children something, they misunderstand, and the first thing you know [fol. 1281] you have a big hassle. Your boss tells you to do something, you don't quite understand and the first thing you know you have a big hassle. Finally you get it straightened out because you can sit down and say, "I meant this, I misunderstood you." You get it worked out.

But when you go before a Grand Jury or a court and all you can do is answer the questions put to you by the prosecutor and you don't have an opportunity to say what you mean, you don't have an opportunity to explain—

Mr. Regal: Your Honor, I object to Counsel's argument. He has been outside the record for quite a few minutes. I ask that Counsel be advised to talk about the evidence in the case and not about all of these extraneous matters not before the jury.

Mr. Burdell: I think, if the Court please, there was evidence in this case which warrants a discussion of the consideration of prior testimony.

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[fol. 1302] Point four, Mr. Beck testified and he appeared before the grand jury without a judge, without a lawyer, and before four prosecuting attorneys.

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[fol. 1304] Then they wanted us to call Fred Verschueren. Of course, Fred Verschueren is here, he can be called, but there was a clear and honest reason that I did not call Fred Verschueren, the man that Mr. Beck gave the cash to to hold. For one thing, I didn't see any sense in putting Fred Verschueren on that stand and having him testify and having the prosecution say to you, "Well, because he works for Mr. Beck he must be a liar," which is what they unfortunately are doing. Why should I expose Fred Verschueren, Jr. to that sort of attack? According to the prosecution's theory, any testimony that we put on favorable to Mr. Beck or that they put on favorable to Mr. Beck is false. So what could I do? I did the best thing I could, I got my young law partner, Bill Wesselhoeft, who had been sent by me to confirm this very fact before we had anything to do with it, who had been sent by me to go down there to Fred Verschueren and look in that safe that Frank Brewster referred to and find out if money was there, if cash was there, if the cash was there that Mr. Beck said he gave to Mr. Devin and Mr. Wesselhoeft testified, yes, he went down, contacted Fred Verschueren, he went into the safe and there was the cash.

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[fol. 1316] ARGUMENT BY MR. REGAL ON
BEHALF OF THE STATE (EXCERPTS)

He tells us that he wants to protect Mr. Verschueren, Jr. Mr. Verschueren, Jr., you will recall, testified before the grand jury. There was testimony to that effect here. Mr. Beck testified before the grand jury and the grand jury wasn't made up of four ogres who were breathing down the neck of anybody. It was made up of seventeen people just like you, seventeen citizens selected to sit on that grand jury and seventeen people after they heard the testimony of Mr. Regal and Mr. Verschueren, Jr. returned an indictment [fol. 1317] and that is what you are trying here today.

Now the question is, in Mr. Burdell's strategy, should he take Mr. Beck and put him on the stand and have him explain this which he didn't do and could he bring Mr. Verschueren, Jr. in to have him explain this which he didn't do, because he felt most likely, we can assume he felt this way, if I do that, I really am sunk, so what I have to do is to try to talk the jury into assuming things from these little bits of evidence that I can bring in with witnesses of some stature in the community.

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[fol. 1332] But now we get down to the point where everything is deadly serious. You have a tremendous responsibility. Counsel refers to all of this terrible publicity. It is true. The eyes of the entire world probably are upon you right now and the evidence that has been presented here against this defendant has been widespread. There is no question about that. You should return a proper verdict, that is your responsibility. You are the ones that are going to have to look at yourselves the rest of your lives. You are the ones that are going to have to be with your neighbors and friends and hold your head up high and say, "I did what my heart and mind told me." You are not to be influenced at all by any sympathy or prejudice. Nothing at all can be considered by you except the evidence from this witness stand.

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[fol. 1704]

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF KING

No. 104594

IN THE MATTER OF THE
KING COUNTY GRAND JURY

Proceedings in Open Court

Be It Remembered That on the 20th day of May, 1957 at 9:30 a.m., the matter of the impaneling the Grand Jury for King County, State of Washington, came regularly on before the Honorable Lloyd Shorett, one of the judges of the Superior Court of the State of Washington for King County.

APPEARANCES

The following were present: Charles O. Carroll, Esq., Prosecuting Attorney for King County; William F. Devin, Esq., Special Deputy Prosecuting Attorney; Victor D. Lawrence, Esq., Assistant Special Deputy Prosecuting Attorney; and Laurence D. Regal, Esq., Deputy Prosecuting Attorney.

Whereupon, the following proceedings were had and done, to-wit:

[fol. 1705]

IMPANELING OF THE GRAND JURY

The Court: May I have the attention of all those who have been summoned here as grand jurors today. I wish to call your attention to the statute regarding the qualifications of a juror. A juror must be an elector and taxpayer of the State; he must be a resident of King County for more than one year; over twenty-one years of age; in full possession of his faculties and of sound mind; be able to read and write the English language.

Are there any jurors here who do not possess those qualifications.

This does not need to be reported, madam reporter.

(Off the record proceedings hearing jurors desiring to be excused.)

The Court: The clerk will please call seventeen grand jurors.

The Clerk: Arthur W. Hannes; M. Edythe Dennis; Erwin M. Wallace; William D. Haley; Lewis Wing Benson; Opal Hill; Robertson Coit; Henry J. Brady; Reginald E. Washington; Ralph Cornealus Moreau; Bruce W. Johnston; Robert A. Mabe; Genevieve Lamb.

Mrs. Lamb: That is change to James. I have re-married.

The Clerk: Alma M. Kotticks; Lewis E. Eyman; G. J. Hagan; R. A. Gamble.

The Court: Now, Mr. Hannes, would you tell us your business.

Mr. Hannes: I am unemployed.

The Court: You said you had worked for the Port of [fol. 1706] Embarkation.

Mr. Hannes: For fourteen years, as a tug boat captain.

The Court: Have you ever been a member of the Teamsters Union or the Retail Clerks, or any affiliated union?

Mr. Hannes: No sir.

The Court: Are you acquainted with any officer of the Teamsters Union?

Mr. Hannes: No sir.

The Court: Have you ever been an officer in any union?

Mr. Hannes: No sir.

The Court: Is there anything about service on this grand jury that might embarrass you?

Mr. Hannes: I believe not.

The Court: The bailiff calls my attention to the fact that I have not asked the jurors to be sworn. There is no statutory requirement on that, but perhaps to be safe and use a little extra caution, I am going to ask you all to stand and be sworn.

(Grand Jury panel thereupon sworn by the clerk.)

The Court: Mr. Hannes, to go back over the answers you gave before you were sworn and under oath, I assume they would be the same as you would give now?

Mr. Hannes: Yes sir.

The Court: Mrs. Dennis. Are you married?

[fol. 1707] Mrs. Dennis: I am a widow.

The Court: What did your husband do? What was your husband's occupation?

Mrs. Dennis: He was an electrician.

The Court: I assume that you belong to no union.

Mrs. Dennis: No, I never belonged to a union.

The Court: Did your husband belong to a union?

Mrs. Dennis: I think years ago he did.

The Court: Are you acquainted with any officers of the Teamsters Union?

Mrs. Dennis: No, I am not.

The Court: Is there anything about service on this grand jury that would embarrass you at all?

Mrs. Dennis: What is that?

The Court: Is there anything about service on this grand jury that might embarrass you?

Mrs. Dennis: No, I don't think so.

The Court: Mr. Wallace. What is your business?

Mr. Wallace: Retired.

The Court: What did you do before you were retired?

Mr. Wallace: I worked for the Engineer's Department of the City of Seattle.

The Court: Have you ever belonged to the Teamsters Union, the Retail Clerks or any affiliated union?

[fol. 1708] Mr. Wallace: I belonged to the Teamsters.

The Court: How long ago?

Mr. Wallace: About ten years ago.

The Court: Are you conscious of any bias or prejudice arising out of that membership that would prevent you from being a fair-minded juror?

Mr. Wallace: I don't think so.

The Court: Have you ever been an officer of any union?

Mr. Wallace: No.

The Court: Is there anything about sitting on this grand jury that might embarrass you at all?

Mr. Wallace: Not at all.

The Court: Mr. Haley. What is your business?

Mr. Haley: I am with the Baldwin-Lima-Hamilton Corporation.

The Court: Have you ever been a member of the Teamsters Union, Retail Clerks or any affiliated union?

Mr. Haley: No sir.

The Court: Have you ever been an officer of any union at all?

Mr. Haley: No.

The Court: Are you acquainted with any officers in the Teamsters Union?

Mr. Haley: No sir.

[fol. 1709] The Court: Is there anything about this proceeding that would embarrass you?

Mr. Haley: No sir.

The Court: Mr. Benson. What is your business?

Mr. Benson: I manage a real estate office.

The Court: Have you ever been a member of the Teamsters Union, Retail Clerks or any affiliated union?

Mr. Benson: I don't know. Is the Boeing Union affiliated?

The Court: I understand not. I don't know. Have you ever been an officer of any union?

Mr. Benson: No.

The Court: Are you acquainted with any officer of the Teamsters Union?

Mr. Benson: No.

The Court: Is there anything about service on this grand jury that might embarrass you in any way?

Mr. Benson: No, I guess not.

The Court: Opal Hill. Is it Mrs. Hill?

Mrs. Hill: Yes, Mrs. Hill.

The Court: Are you a member of the Teamsters Union, Retail Clerks or any other affiliated union?

Mrs. Hill: No sir.

The Court: Do you know any officer of the Teamsters [fol. 1710] Union?

Mrs. Hill: No sir.

The Court: Have you ever been an officer in any union?

Mrs. Hill: No sir.

The Court: Is there anything about this proceeding that might embarrass you?

Mrs. Hill: I believe not, sir.

The Court: Mr. Coit. Have you ever been a member of the Teamsters Union, Retail Clerks or any affiliated union?

Mr. Coit: No sir.

The Court: Are you acquainted with any officer of the Teamsters Union?

Mr. Coit: No sir.

The Court: Is there anything about this that might embarrass you?

Mr. Coit: No sir.

The Court: Have you ever been an officer in any union at all?

Mr. Coit: No sir.

The Court: Henry Brady. Will you tell us your business again?

Mr. Brady: I am a bookkeeper.

The Court: For Malmo's?

Mr. Brady: Yes sir.

The Court: Have you ever been a member of the Teamsters Union, Retail Clerks or any affiliated union?

Mr. Brady: No sir.

[fol. 1711] The Court: Have you ever been an officer in any union?

Mr. Brady: No sir.

The Court: Is there anything about this proceeding that might embarrass you at all?

Mr. Brady: I don't believe so.

The Court: Are you acquainted with any officer of the Teamsters Union?

Mr. Brady: No sir.

The Court: Mr. Washington, what is your business?

Mr. Washington: I am an engineer for Boeing.

The Court: Have you ever been a member of the Teamsters Union, Retail Clerks or any affiliated union?

Mr. Washington: No sir.

The Court: Are you acquainted with any officer of the Teamsters Union?

Mr. Washington: No sir.

The Court: Are you now, or have you ever been, an officer of any union at all?

Mr. Washington: No sir.

The Court: Is there anything about this proceeding that might embarrass you?

Mr. Washington: No, I think not.

The Court: Mr. Moreau. I believe you are an engineer?

Mr. Moreau: And superintendent.

The Court: Have you ever been a member of the Teamsters Union, Retail Clerks or any affiliated unions?

Mr. Moreau: No sir.

The Court: Are you acquainted with any of their officers?

Mr. Moreau: No sir.

The Court: Have you ever been an officer in any union whatsoever?

Mr. Moreau: Yes sir.

The Court: What union?

Mr. Moreau: Electrical Workers Local 46.

The Court: What office did you hold?

Mr. Moreau: Executive Board.

The Court: Was there any jurisdictional dispute between that union and the Teamsters during the time you were an officer?

Mr. Moreau: Well, it is difficult for me to say. There always is certain jurisdictional disputes locally. I don't recall off-hand whether it might have been at that time.

The Court: Are you conscious of any prejudice arising out of that union service, any bias of any kind?

Mr. Moreau: Yes.

The Court: You feel that your jury service might embarrass you?

Mr. Moreau: It wouldn't embarrass me, it might embarrass somebody else. I am prejudiced to this particular case after reading the newspapers and watching television and [fol. 1713] comments. I form my own opinion.

The Court: Bruce W. Johnston. Have you ever been a member of the Teamsters Union, Retail Clerks or any affiliated union?

Mr. Johnston: Retail Clerks.

The Court: When was that?

Mr. Johnston: About ten years ago.

The Court: Were you an officer in the Retail Clerks?

Mr. Johnston: No.

The Court: Are you acquainted with any officer in the Teamsters Union?

Mr. Johnston: No, I am not.

The Court: What is your business?

Mr. Johnston: I am salesman for Sears Roebuck.

The Court: How long have you been with Sears Roebuck?

Mr. Johnston: Ten years.

The Court: Would service on this grand jury in any way embarrass you?

Mr. Johnston: Well, perhaps you misunderstood me. I am presently a member of the Retail Clerks.

The Court: Well, would service here embarrass you just because you are a member of the Retail Clerks?

Mr. Johnston: No, I don't believe so.

The Court: You don't know of any way that might upset [fol. 17:4] you?

Mr. Johnston: No, I don't.

The Court: Mr. Mabe. Would you tell us your business again?

Mr. Mabe: Machinist and maintenance.

The Court: Have you ever been a member of the Teamsters Union, Retail Clerks or any affiliated union?

Mr. Mabe: Truck driver, I was a member of the truck drivers.

The Court: How long ago?

Mr. Mabe: About twenty years since I dropped out and joined the cannery workers.

The Court: That wouldn't affect you in any way here, I assume.

Mr. Mabe: I have been a cannery workers board member for almost twenty years.

The Court: Have they had any jurisdictional dispute or other disputes with the Teamsters Union?

Mr. Mabe: No.

The Court: Is there anything about service on this jury that might embarrass you?

Mr. Mabe: Well, I don't know.

The Court: How is that?

Mr. Mabe: I don't know. I am awful prejudiced on the case is all I can say. I followed it from—

The Court: You said you are a member of the Executive Board of the Cannery Workers Union?

[fol. 1715] Mr. Mabe: Yes.

The Court: Have been for many years?

Mr. Mabe: Nearly twenty years.

The Court: And you asked to be excused a few minutes ago?

Mr. Mabe: Yes.

The Court: Mrs. James. I assume you are married, since you said you were. What does your husband do?

Mrs. James: He is an employee of Boeing. So am I.

The Court: Does he belong to the Teamsters Union, Retail Clerks or any affiliated union?

Mrs. James: No.

The Court: Have you ever belonged to any union?

Mrs. James: We both belong to the Aeronautical Lodge is all.

The Court: Are you acquainted with any officers in the Teamsters Union?

Mrs. James: No, I am not.

The Court: Have you ever been an officer in any union at all?

Mrs. James: No.

The Court: Is there anything about this service that might embarrass you?

Mrs. James: Nothing I could ever think of.

The Court: Mrs. Kottsick. You are married?

Mrs. Kottsick: Yes, I am.

[fol. 1716] The Court: What is your husband's business?

Mrs. Kottsick: Electrician.

The Court: Do you work?

Mrs. Kottsick: Well, yes. I don't belong to a union. I work at sewing.

The Court: Does your husband belong to the union?

Mrs. Kottsick: Yes, he does.

The Court: Has he ever been a member of the Teamsters Union, Retail Clerks or any affiliated union?

Mrs. Kottsick: He belongs to the Electrical Union, Local

The Court: That is not affiliated with the Teamsters.

Mrs. Kottsick: No, it is not.

The Court: Has he been an officer of that union?

Mrs. Kottsick: No, he hasn't.

The Court: Is there anything about service on this jury that might embarrass you?

Mrs. Kottsick: I don't believe so.

The Court: Now, Mr. Eyman. You have been with Seattle Shingle for a long time.

Mr. Eyman: Yes sir.

The Court: I believe you previously stated that it would be a hardship on your company if you had to serve on a jury.

Mr. Eyman: Yes sir.

[fol. 1717] The Court: And I had refused to excuse you.

Mr. Eyman: Yes.

The Court: Mr. Eyman, have you ever been a member of any union, Teamsters Union or Retail Clerks?

Mr. Eyman: No sir.

The Court: Are you acquainted with any officer of the Teamsters?

Mr. Eyman: No sir.

The Court: Does your company employ a number of members of the Teamsters Union?

Mr. Eyman: I believe they are all members of the Sawmill & Lumber Workers, A.F.L.

The Court: Are you conscious of any bias, prejudice or sympathy in this case at all?

Mr. Eyman: That is pretty hard to answer.

The Court: Do you feel if you were required to sit here as a juror you could do so, analyzing the evidence and doing what is right and fair?

Mr. Eyman: Yes sir.

The Court: Is there anything about service on this jury that might embarrass you?

Mr. Eyman: No sir.

The Court: Mr. Hagan. What is your business?

Mr. Hagan: I am the assistant secretary of the Washington State Senate.

The Court: When the Senate is not in session what do [fol. 1718] you do?

Mr. Hagan: We haven't concluded our work.

The Court: That lasts for a much longer time after the session is over?

Mr. Hagan: Yes.

The Court: Have you ever been a member of the Teamsters Union, Retail Clerks or any other affiliated union?

Mr. Hagan: Yes sir.

The Court: Are you now?

Mr. Hagan: Not the Teamsters.

The Court: Which one?

Mr. Hagan: Not the Teamsters.

The Court: You said you had been a member of some affiliated union?

Mr. Hagan: Local 44, Garage Employees.

The Court: Is that affiliated with the Teamsters?

Mr. Hagan: Yes sir.

The Court: Are you acquainted with any officers of the Teamsters Union?

Mr. Hagan: Yes.

The Court: Do you feel that service on the grand jury here would in any way embarrass you at all?

Mr. Hagan: No, I don't.

The Court: Have you ever been an officer of a union?

Mr. Hagan: No, I haven't.

[fol. 1719] The Court: Mr. Gamble. What is your business?

Mr. Gamble: I work for the Northern Pacific Railway.

The Court: How long have you been with them?

Mr. Gamble: Oh, about forty-seven years.

The Court: Have you ever been a member of the Teamsters Union, Retail Clerks or any affiliated union?

Mr. Gamble: No.

The Court: Are you acquainted with any officers of the Teamsters Union?

Mr. Gamble: No.

The Court: What do you do with the Northern Pacific?

Mr. Gamble: District Material Inspector.

The Court: What does that mean?

Mr. Gamble: Well, it is the inspecting of the materials, bridges, buildings and materials they use.

The Court: Are you an engineer?

Mr. Gamble: Well, not quite; I do that work.

The Court: Is there anything about service on this jury that might embarrass you in any way?

Mr. Gamble: No.

[fol. 1720] The Court: The following grand jurors will be excused and may step down: Ralph C. Moreau, Bruce Johnston; Robert Mabe; Lewis Eyman; G. J. Hagan.

The clerk will please call five additional jurors. First for number ten.

The Clerk: George P. Ostroth.

The Court: Number eleven.

The Clerk: Floyd H. Raymer.

The Court: Number twelve.

The Clerk: Eugene L. Johnson.

The Court: Number fifteen.

The Clerk: Clarence W. Scott.

The Court: Number sixteen.

The Clerk: Russell D. Webb.

The Court: Will the new jurors please stand and raise your right hands and be sworn?

(Additional jurors sworn by the clerk.)

The Court: Mr. Ostroth, what is your business?

Mr. Ostroth: I am an engineer. I work for the Corps of Engineers, United States Army.

The Court: Have you ever belonged to the Teamsters Union, Retail Clerks or any affiliated unions?

Mr. Ostroth: No sir.

The Court: Are you acquainted with any officers of the Teamsters Union?

Mr. Ostroth: No sir.

The Court: Is there anything about service on the grand jury that might embarrass you at all?

[fol. 1721] Mr. Ostroth: No. I would like to ask a question, if I may.

The Court: Yes.

Mr. Ostroth: Friday I became aware of a position out of the state I would like to have and I thought I would apply for it. I have no way of knowing whether I would be accepted or not or when I would go, but I thought I would like to say that.

The Court: It may entail some sacrifice to be a member of this jury, however, I feel I cannot excuse you on that ground.

Floyd Raymer, I talked to you a few minutes ago. What is your business again?

Mr. Raymer: Auto parts.

The Court: Have you ever been a member of the Teamsters Union, Retail Clerks or any affiliated union?

Mr. Raymer: Yes sir.

The Court: Are you a member now?

Mr. Raymer: I am.

The Court: Of which union?

Mr. Raymer: Local 44.

The Court: Local 44, is that the retail—

Mr. Raymer: That is the Garage Employees.

The Court: Are you acquainted with any officers of the Teamsters Union?

Mr. Raymer: Yes.

The Court: Which one?

[fol. 1722] Mr. Raymer: Bill Ray of our own local and Bill Richardson.

The Court: Is there anything about service on this grand jury that would embarrass you?

Mr. Raymer: Not that I know of, sir.

The Court: Have you ever been an officer of the Garage Employees Union?

Mr. Raymer: No sir.

The Court: Eugene L. Johnson. Mr. Johnson, we have talked to you several times.

Mr. Johnson: Yes sir.

The Court: We know all about your business and everything. I am going to ask you one or two more questions. Are you acquainted with any officer of the Teamsters Union?

Mr. Johnson: Yes sir.

The Court: Which one?

Mr. Johnson: Bill Williams, he is secretary, I believe.

The Court: Is there anything about service on this jury that would embarrass you?

Mr. Johnson: Not that I know of, sir.

The Court: Have you ever been an officer in the Carpenters Union?

Mr. Johnson: No sir.

The Court: How long have you lived here?

Mr. Johnson: In Seattle since 1946, as soon as I got out of the service.

The Court: Clarence W. Scott. Would you state your business?

[fol. 1723] Mr. Scott: Superintendent of Cadman Gravel Company.

The Court: Where is that located?

Mr. Scott: Redmond, Washington.

The Court: Have you ever been a member of the Teamsters Union or Retail Clerks?

Mr. Scott: Yes.

The Court: The Teamsters Union?

Mr. Scott: The Teamsters.

The Court: Are you a member now?

Mr. Scott: No.

The Court: How long since you have been a member?

Mr. Scott: Ten years.

The Court: The last ten years you have been superintendent?

Mr. Scott: Yes.

The Court: Are you acquainted with any officer of the Teamsters Union?

Mr. Scott: Yes.

The Court: Which one?

Mr. Scott: All Crowder.

The Court: You are not acquainted with Mr. Brewster or Mr. Beck?

Mr. Scott: No.

The Court: Have you ever been an officer of that union?

Mr. Scott: No.

The Court: Is there anything about service on this grand jury that would embarrass you?

[fol. 1724] Mr. Scott: No.

The Court: Russell Webb. Will you state your business.

Mr. Webb: Civil engineer.

The Court: By whom are you employed?

Mr. Webb: State Department of Fisheries.

The Court: Have you ever been a member of the Teamsters Union or Retail Clerks or any affiliated union?

Mr. Webb: No.

The Court: Have you ever been an officer of any union at all?

Mr. Webb: No sir.

The Court: Is there anything about service on this grand jury that might embarrass you?

Mr. Webb: Not to my knowledge.

The Court: Mr. Johnson, I am going to excuse you, partly as a hardship case anyway. You may step down.

The clerk will call another juror.

The Clerk: Andrew C. Dalgleish.

The Court: Mr. Dalgleish, it looks like you got called right at the last moment here.

Have you ever been a member of the Teamsters Union or Retail Clerks?

Mr. Dalgleish: No.

The Court: Are you acquainted with any officer of those unions?

Mr. Dalgleish: I am acquainted with, I believe he is an [fol. 1725] officer of the Retail Clerks, Archie McLean. That is through a neighborhood acquaintance ten years ago.

The Court: I am sorry but I just don't have in mind what you told me your business was?

Mr. Dalgleish: I am engineer for the Sperry Gyroscope Company in a supervisory capacity.

The Court: You said you had been with them for a number of years?

Mr. Dalgleish: Seventeen years in February.

The Court: How long have you been in Seattle?

Mr. Dalgleish: I was born here in 1911, that is forty-six years.

The Court: What school did you attend?

Mr. Dalgleish: Franklin and Foster and my engineering degree I got from practical experience and through the company.

The Court: I suppose that your business is such that if you had a week or two now and then, this jury had a week or two now and then when the jury wasn't in session you could attend to your business and then come back here for a session and at least be some help to your business?

Mr. Dalgleish: Yes. Of course, a lot of my work I have to do after hours. How long does the session last in the daytime, how many hours?

The Court: Ordinarily it would last probably from 9:30 to 4:00, although that is a matter that depends a lot upon [fol. 1726] what witnesses are available and just what matter the jury might be inquiring into, what the investigating staff has ready in the way of evidence, but a person can do some work after hours and on days when the jury is not in session, that is quite true.

Mr. Dalgleish: When the jury is not in session may I leave the state?

The Court: Yes.

Mr. Dalgleish: Down to Oregon or Alaska.

The Court: If you are available on a few days notice or maybe two days notice, something like that.

I want to go back and ask Mrs. Dennis a question.

Mrs. Dennis, do you have any difficulty hearing? This courtroom is a very difficult courtroom to hear in. If you leave the windows open the trucks make a lot of noise and if you don't leave them open, it gets too warm.

Mrs. Dennis: Well, today I have because I had a little cold.

The Court: Just on account of your cold?

Mrs. Dennis: Not usually, I don't usually. I don't have any trouble usually.

The Court: You think you would have no difficulty in hearing if you were on this jury?

Mrs. Dennis: No.

[fol. 1727] The Court: You are in good health?

Mrs. Dennis: Oh yes.

The Court: The jurors now in the jury box will constitute the grand jury. Will you please rise, raise your right hands and be sworn.

(The grand jury sworn by the court.)

COURT'S CHARGE TO GRAND JURY

The Court: Members of the grand jury. What are the duties of the grand jury? Why has it been called? How does it operate? What may it hope to accomplish? These

and similar questions may be running through your minds now that you have been selected and sworn as grand jurors.

Perhaps the answers to these questions could be better understood if first I told you a little of the history of the grand jury system.

The institution of the grand jury comes to us from the common law of England where the grand jury's original function, curiously enough, was to stand as a buffer between the King of England and the citizens. Its purpose was to prevent unjust prosecutions by the Crown, and the King had no power to charge a person with a crime without first obtaining an indictment from a grand jury composed of fellow citizens of the accused.

The grand jury system was brought to this country by the first settlers from England, but its use has been greatly limited in recent years, and in many states, like our own, it has been used so seldom that most people, even attorneys, are unfamiliar with its procedure and only vaguely acquainted with its underlying purpose.

[fol. 1728] The grand jury is an investigative body possessed of the power to require the attendance of witnesses and to subpoena books, records and similar documents. Its function is to inquire into the commission of crime in the county. Ordinarily this can be done by the regularly established law enforcement agencies such as the prosecuting attorney, but the prosecuting attorney cannot require the attendance of witnesses or compel them to testify, and he cannot subpoena books and records. As I shall later explain, the matters you have been called to investigate require the exercise of the peculiar powers granted to grand juries.

Now how does the grand jury operate? During your investigation there will be no judge present here in the courtroom with you except on rare occasions, such as, if and when you return an indictment. The foreman of the grand jury, whom I will appoint, will occupy the judge's chair and you will elect one of your members to serve as secretary or clerk to keep the minutes of your proceedings. Such secretary may occupy the chair ordinarily used by the court clerk. The other jurors will be seated in the jury box. The

prosecuting attorney and the special prosecutors will be in attendance, as will a court reporter.

The prosecutors will call witnesses and your foreman will administer the oath to each witness before such witness testifies. The prosecutors will interrogate the witnesses and confer with you on questions of law and procedure. After hearing the evidence on a particular charge, you will [fol. 1729] then exclude the prosecutors and the court reporter and vote to see if an indictment or formal criminal charge should be made. If twelve or more of you vote to return an indictment you will advise the prosecutors, who will prepare the necessary papers. You will have the indictment signed by your foreman and present it in open court.

Your deliberations are secret and you are forbidden by law to disclose the vote, or even the discussion, on any question before you. A grand jury may not be called to testify as to any statement made by any other grand jury, the manner in which any other juror voted, or even the question before the jury.

The law requires each grand jury to visit the county jail, to examine its state and condition, to inquire into the discipline and treatment of prisoners, their habits, diet and accommodations, and report to the court in writing whether the jail rules which the judges have made have been faithfully kept and observed. A copy of these rules will be handed to your foreman.

The law further provides:

"The grand jury shall especially inquire as to the offense of any person confined in prison on a criminal charge; into the condition and mismanagement of the public prisons in the county; into the wilful misconduct in office of public officers, and shall in their discretion examine the public records of the county."

"The grand jury are not bound to hear evidence for the defendant; but it is their duty to weigh all the evidence submitted to them, and when they have reason to believe that other evidence within their reach will explain away the charge they should order such evidence to be produced, and for that purpose may cause process to issue for the witnesses."

[fol. 1730] "If a member of a grand jury knows, or has reason to believe, that a public offense, triable within the county, has been committed, he must declare the same to his fellow jurors, who may thereupon investigate the same, if a majority so order."

"No complainant who may institute a prosecution shall be competent to be present at the deliberations of a grand jury, or vote for the finding of an indictment."

"No grand jury shall disclose the fact that an indictment for a felony has been found against any person . . . until such person has been arrested."

Some of these powers granted to the grand jury should be exercised sparingly, or not at all. For example, it is unlikely that any benefit could come from your examination of the public records of the county. They are so voluminous and such special knowledge would be required to understand and evaluate them that your efforts would probably be entirely wasted.

We come now to the purpose of this grand jury and the reasons which the judges of this court thought sufficient to justify the expense to the county, and the inconvenience to and sacrifice by you, which this grand jury session will require.

It seems unnecessary to review the recent testimony before a Senate Investigating Committee except to say that disclosures have been made indicating that officers of the Teamsters Union have, through trick and device, embezzled or stolen hundreds of thousands of dollars of the funds of that union—money which had come to the union from the dues of its members. It has been alleged that many of these transactions, through which the money was siphoned out [fol. 1731] of the union treasury, occurred in King County. Such crimes, if committed, cannot be punished under Federal law, or under any law other than that of the State of Washington, and prosecution must take place in King County. The necessary criminal charges can only be brought in this county upon indictment by the grand jury or information filed by the prosecuting attorney.

The president of the Teamsters Union has publicly declared that the money he received from the union was a

loan which he has repaid. This presents a question of fact, the truth of which is for you to ascertain.

You may find that many of the transactions happened more than three years ago; this would raise the question of the statute of limitations, which ordinarily bars a prosecution for larceny after three years. There are some instances, however, where the period is extended. This is a question of law and you should be guided by the advice of the prosecutors on this and similar questions. Your investigation may conceivably result in the adoption of better standards of conduct for union officials.

Some other inquiries suggested by the Senate investigation are the relationship between the officers of the Teamsters Union and a certain insurance broker; an alleged conspiracy between business men and Teamster officials in fixing prices; and the influence wielded by Teamster officers through campaign contributions to public officials.

To completely investigate all of these items may be beyond the energy and endurance of yourselves, the prosecutors and their investigating staff. The financial burden of such a complete investigation may be beyond the resources of King County. I urge you to do all that you can within practical limitations to ascertain the truth or falsity of these charges.

You will doubtless receive numerous requests to investigate many matters other than those for which this grand jury was called. This you have a right to do, but I feel that a word of caution should be given you in this regard. Permit me to quote the words of the late Judge J. T. Ronald, given to a grand jury in 1931:

"Experience shows that Grand Juries with the best of intentions, unless guided by some policy, some system, directed by some experience, are prone to spend time and public funds without producing substantial results; while on the other hand a Grand Jury imbued with common sense, possessing discernment and ability to weigh testimony, may become a most efficient inquisitorial instrumentality—discovering truth though concealed in falsehood—detecting falsehood though interwoven with truth. You will act the role of an efficient, expeditious, investigating agency, or you will

stage an expensive, useless, uninteresting farce, according as you may measure up to this standard."

I suggest to you that the scope of your inquiry into fields other than the Teamsters Union be largely restricted to those matters suggested as worthwhile by the prosecutors, who are skilled and experienced attorneys and always available to you for legal advice. The court is also ready to consult with you on legal questions at any time.

The prosecutors advise me that it may be necessary and desirable that you recess for a period of two or three weeks [fol. 1733] in order that their investigating staff may serve subpoenas on witnesses and make certain preliminary investigations. You should confer with the prosecutors regarding this and agree with them upon the necessary period of recess and adjourn until the date fixed.

The foreman of your grand jury should administer the oath to each witness, and a form of the oath to be administered will be handed to him. The court appoints Andrew Dalglish as foreman of this grand jury.

Now, members of the grand jury, that is all I have to say to you in the way of a formal charge. I think you all realize that your names have been selected right from the jury list which in turn is picked from the voters' registration books. You have a most serious task to perform and I know you realize it is being performed, and is to be performed, by a grand jury picked at random from among the citizens in this community, and thus we hope to keep the law close to the people. It is a tremendous responsibility, and I wish you well in your work.

I will now retire and the audience will be excluded from the courtroom. The court reporter is Mrs. Louise Sartor, who sits here next to you. I should like to introduce the prosecutors to you. Charles O. Carroll is the prosecuting attorney for King County. William F. Devin, is special prosecuting attorney for the grand jury. His assistant is Mr. Victor D. Lawrence. Mr. Regal will be with them too. [fol. 1734] Mr. Regal is a regular deputy prosecuting attorney and he will be working with the grand jury also.

The clerk will leave with the foreman of the grand jury sufficient forms for each juror to fill out, giving his name and address and certain other information which the clerk

needs. If you will do that as the first order of business. Mr. Dalgleish, you will sit up here and I will leave this form of oath. I will also leave a form of affirmation, occasionally you encounter witnesses who for religious reasons, do not wish to swear, but will affirm. The affirmation is here also. You will administer the oath to each witness with his hand raised, just as I did. A little later I will give to you a copy of the rules which the judges have made for the conduct of the county jail, since that is one of the requirements. I have them right here and I will leave them here too.

All the jurors who were called and have not been seated as members of the grand jury will be excused and need not report again.

I will retire at this time, and the audience will leave the courtroom.

(End of Proceedings in Open Court.)

[fol. 1735] Reporter's Certificate to foregoing transcript (omitted in printing).

[fol. 1736]

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF KING

No. 104594

IN THE MATTER OF THE
KING COUNTY GRAND JURY

Testimony of Jack Stratton Taken June 19, 1957

Be It Remembered that on the 19th day of June, 1957 Jack Stratton was called as a witness before the King County Grand Jury, and pursuant to permission granted by the Supreme Court of the State of Washington, and by Order Granting Defendant Permission To Transcribe Certain Portions of Grand Jury Testimony, dated the 30th day of April, 1958, the following transcript of his said testimony is furnished:

JACK STRATTON called as a witness, being duly sworn on oath, testified as follows:

Direct examination.

By Mr. Regal:

Q. Will you tell us your full name?

A. Jack Stratton.

Q. How old are you?

A. Twenty.

Q. Your father is John Stratton?

A. Yes.

[fol. 1737] Q. He is the gentleman that appeared here yesterday?

A. Yes.

Q. You saw his picture in the paper last night.

A. Yes.

Q. Did you work at one time for the Sunset Automotive in Ballard?

A. Yes.

Q. Where is that located, Jack?

A. 49th and Leary.

Q. What did you do there?

A. Oh, a little of everything, from cleaning cars to doing a little mechanical work on them.

Q. Did you ever grease any cars?

A. Yes.

Q. How many other people were employed there other than yourself?

A. Oh—

Q. If you know?

A. I don't know off-hand. It is off and on, I mean, it changes. One week it would be maybe three and the next week, maybe four.

Q. As far as you know is Kenneth Eline the proprietor and owner of the establishment?

A. So far as I know.

Q. Is he the one who originally contracted with you for you to work there?

A. Yes.

Q. How long had you worked there?

A. I never have worked there steady. I was going to school.

Q. What school were you going to? /

[fol. 1738] A. Ballard.

Q. I didn't ask you your home address?

A. 3515 West 68th.

Q. I asked you your age, you are twenty.

A. Yes.

Q. Now, Jack, we are interested in a 1951 Cadillac, four-door sedan and you apparently talked your dad into buying it at one time. Do you recall that?

A. Yes.

Q. Do you remember when the car was brought out there to the Sunset Automotive?

A. I don't remember the day. I remember the time, I mean, I remember the incident, yes.

Q. The car was purchased around October of '54, wasn't it?

A. That sounds about right.

Q. Did your dad buy that car shortly after it was brought out there for sale?

A. I don't believe the car was brought out there for sale. I believe I just heard about it, that it was for sale, but it wasn't brought out to be sold through Sunset Automotive.

Q. Was it brought out there for some other reason you know of?

A. I believe Dave Beck, Jr. left his car in the garage to be worked on.

Q. For some repairs?

A. Probably a grease job.

Q. Did you ever see Dave Beck, Jr.?

A. Oh yes, he brought his car in there to be worked on for grease jobs and service.

[fol. 1739] Q. Did you know him personally then?

A. No.

Q. Do you know him to speak to, say hello to?

A. Yes, that is about it.

Q. Did you talk to him at all about this automobile personally?

A. Oh if he—he probably—if I remember right, when he came in he probably said, “this one is for sale” or something. He might have said that to me.

Q. You don’t recall whether he said it to you or someone else did.

A. Not for sure, no.

Q. Do you recall whether or not you had a conversation with Ken Eline regarding the sale of the car?

A. No, I don’t recall that. What I have been trying to figure out is how I did get onto it. I did know it was for sale and I had worked on the car, serviced it, seen it in there.

Q. Dave Beck, Jr. always brought it in and came and got it? As far as you knew when you saw somebody get it?

A. Either him or one of the guys picked it up downtown.

Q. Someone else?

A. Someone that worked at the shop may have picked it up.

Q. How many times had the car been in there when you were there?

A. I really don’t know.

Q. Two or three or a dozen times?

A. Probably more like two or three times.

Q. You recognized the car when you saw it?

A. Yes.

[fol. 1740] Q. It was a well kept automobile?

A. Yes.

Q. And it was in good condition as far as you knew?

A. Yes.

Q. You had transmission trouble later, didn’t you, or is that true?

A. I think that is why we sold it, yes.

Q. When you found out the car was for sale did you then go to your dad immediately and tell him you wanted him to buy the automobile, or did you look at it or drive it, or just tell us what happened?

A. I don’t know, I might have drove it. I took it home that night and showed him.

Q. You did take it home that night?

A. I believe so.

Q. Had you talked to him about it before?

A. No.

Q. Had you ever talked to Ken Eline about the car or about the condition it was in or so on?

A. I might have asked his opinion as a mechanic.

Q. Well, did he tell you what the price was or did Dave Beck, Jr. tell you the price of the car?

A. I don't remember that.

Q. Do you recall ever talking to Dave Beck, Jr. regarding the automobile?

A. Oh, the only thing he might—when he came in he might have told me some little thing to check on it, or something.

Q. About the purchase of the automobile, I mean?

A. No, about the purchase directly, no.

[fol. 1741] **Q. Whom did you talk to regarding the purchase of the automobile?**

A. I don't know. I just know I heard it was for sale and was to be sold to anybody that wanted to buy it and I got the check for it and gave it to him and then later on—

Q. (Interposing) Gave it to whom?

A. I didn't give it, I left it down at Sunset Automotive, for him.

Q. In what manner did you leave it there?

A. I believe it was in an envelope.

Q. Where did you put the envelope, if you remember?

A. I think it was in the drawer where the office was at that time.

Q. Is there a desk in there?

A. Yes, there is a desk up against the wall.

Q. You sealed the envelope, did you? Do you recall?

A. No, I don't recall.

Q. Did you write on the outside of it.

A. I don't think I wrote on the outside of it.

Q. When you brought the envelope there did you give it to someone?

A. I don't think anybody was there at the time I brought it there.

Q. You brought an envelope and put it in a desk and didn't write on it and left it open?

A. I don't know. I don't remember that.

Q. There was a \$1850 check in the envelope?

A. That is what I understand it was, yes.

Q. That was for the car?

[fol. 1742] A. Yes.

Q. Did you take the car at that time?

A. No, I had already had the car.

Q. Did you have the title papers at that time?

A. No.

Q. Where did you get the title papers?

A. I believe they came in the mail.

Q. You don't recall ever contacting Dave Beck, Jr. or anyone else regarding the sale of the car?

A. No.

Q. And you don't recall how you ascertained the price of \$1850. There was no sign on it of any kind, was there?

A. Would you repeat that?

Q. You don't remember how you ascertained the price of the car was \$1850?

A. No, I don't.

Q. And you don't recall talking to anyone regarding it.

A. I must have talked to somebody, but I don't remember who it was.

Q. Were there other employees there who had authority to sell automobiles?

A. Well, I don't believe anybody had any authority to sell any automobile down there.

Q. These people you talked to, did they have authority to sell automobiles?

A. They probably knew it was for sale.

Q. Did you talk to more than one person regarding it down at this place?

A. I don't believe so.

Q. Was it the first day you saw the car that you took it [fol. 1743] home and showed it to your dad?

A. It probably had been sitting down there for a couple of days, probably had some service work done on it.

Q. Where did you take it? Did you take your dad for a ride, drive around and go back?

A. I think he took it out in the morning before he went to work and tried it.

Q. Were you there?

A. I was probably in bed.

Q. All these probabilities are not very informative, Jack. I would like to know if you remember?

A. It was probably about 6:30 in the morning, probably before I got up.

Q. How do you know? Did he tell you?

A. I put it in the garage and it was sitting out in the driveway and I asked my mother and she said he might have probably tried it out.

Q. Your mother didn't see him take it out?

A. I don't imagine so.

Q. So far as you know, your dad maybe never did take the car out.

A. As far as I know. I imagine he—

Q. (Interposing) Common sense would tell us he would, don't you think? I mean, ordinarily people don't spend \$1850 for a car they don't try out, do they?

A. Probably not. He would take my word for it, if I said it was good.

Q. Are you sort of an expert on automobiles?

A. Well, I know more about it than he does.

Q. How far did you drive it when you took it out? Did [fol. 1744] you take a ride?

A. Probably from Sunset Automotive to my home, that is far enough.

Q. You didn't take it out on the highway?

A. No, I don't believe so.

Q. How far is Sunset Automotive from your home?

A. I would say approximately two miles.

Q. So you drove the car two miles home and you say you showed it to your dad. What manner did you do that in. Did you ask him to come outside and look at it?

A. I believe so.

Q. Do you recall how you did it?

A. No, I don't.

Q. What school are you going to now?

A. At the present time I am not going to any school.

Q. Are you working now?

A. Yes.

Q. Where do you work?

A. Laminated Panels, 300 Michigan.

Q. Working full time there?

A. Yes.

Q. Going back to this transaction. After the car was brought in there somehow or other, although you don't remember how, you found out it was for sale somehow or other; and although you don't remember, you found out it was to be sold for \$1850. You found out, although you don't remember how, that it belonged to Dave Beck, Jr. and so you took the car home. Am I right?

A. That is right.

Q. And you showed it to your father, although you don't [fol. 1745] remember whether he came out and looked at it or not. Is that right?

A. He came out and looked at it.

Q. Oh he did come out and look at it?

A. He must have. You said he wouldn't spend \$1850 unless he did.

Q. That is true. You don't have counsel in here, Mr. Stratton, and just to advise you, there is nothing criminal in your father coming out and looking at the automobile, and there is nothing criminal in your father driving it, but there is something criminal in your refusing or failing to tell us the truth on anything we ask you here, that is the only thing we are concerned with now. Mr. Eline is completely exonerated, so far as I know, at this time from any criminal activity. Your dad is not in any trouble. There is no problem like that. I would suggest if you want to think a minute and try and recall what happened, it might be advisable. Lying under oath is a very serious offense and I feel your memory has been befogged somewhat, maybe you are nervous or something, but if you just sort of try to remember what happened in this thing, it will help. This is not an everyday occurrence in the life of a young man where he talks his dad into buying a car, a Cadillac, and selling his other car. You did a good job of salesmanship. You apparently are a bright boy and know a lot about cars. Your memory is bad is all. Nothing at all you are going to say here is going to implicate your dad in any way. I will ask you to reconsider your testimony now. You are under oath. Tell us the transaction as you [fol. 1746] remember it. If you wish to do that you can or

you can take this somewhat—to use the term—ridiculous idea that you remember nothing about it and are completely oblivious to all these things and how they happened. Do want to tell us now? Do you remember when the car was brought in and left there?

A. The date?

Q. No, do you remember the occurrence, the time?

A. That it was brought in there?

Q. Yes.

A. Yes, I do.

Q. Do you remember talking to Mr. Eline about it, about the automobile, about its merits and so on?

A. I said I asked his mechanical opinion.

Q. You asked him about it?

A. Yes.

Q. Who told you it was for sale?

A. That I honestly don't remember.

Q. When you took it home did your dad come out and look at it?

A. I don't believe my dad was home when I brought it home. They were out, I think.

Q. Later on when they got home, do you recall going out and showing it to them and taking them for a ride?

A. I am quite sure it was the next morning.

Q. You showed it to him the next morning?

A. I didn't show it to him, he saw it there in the garage.

Q. Were you with him at the time?

A. No, I wasn't.

Q. Do you know whether he drove it or not?

[fol. 1747] A. I am quite sure he did.

Q. Did you see him drive it?

A. No, I didn't.

Q. Did he tell you he drove it?

A. My mother told me he drove it.

Q. Your mother told you he drove it. Did you talk to your dad about it afterwards?

A. Yes.

Q. What did he say about it? Did he say it was a pretty good car?

A. Yes.

Q. Had you already told him the price of the automobile?

A. I probably had if he asked me. I imagine he asked me, that is usually the first thing he does.

Q. That is a pretty important thing, one of the major parts of buying an automobile, how much does it cost. Did you and he check the newspapers to see what the prevailing market appeared to be?

A. Yes, I imagine he did. I didn't check it with him, but he probably did. I had been familiar with those cars and interested in them and I probably checked it. I probably had known what it was worth, fairly close.

Q. Did you go with your dad when he went to the bank to arrange the loan to buy the car?

A. No.

Q. When he came home did he have the cashier's check, the evening before he purchased the car?

A. I don't remember, but I would guess he did.

Q. Well, did he give you a check to deliver for the automobile?

[fol. 1748] A. Yes.

Q. You recall that transaction.

A. He gave me the check that I took down to Sunset.

Q. Where did he give it to you?

A. At home.

Q. So we can assume if he gave you a check he obtained downtown at home he must have brought it home with him.

A. Yes.

Q. It wasn't delivered by messenger.

A. No.

Q. Do you recall the transaction where he handed you the check? Did he say, "Here's the check, Jack, buy the car, it is okay." Do you recall that he handed you a check for \$1850?

A. Yes, I believe so.

Q. Well, do you remember it?

A. Yes.

Q. When was that? Was that in the morning?

A. That I don't remember.

Q. When you got the check in your hand did you have a car to go to the Sunset Automotive in?

A. I probably had my own car.

Q. Did you take your own car over there?

A. Yes, I think so.

Q. Did you drive the Cadillac away when you paid for it?

A. Well, I didn't pay for it that time. I left the check.

Q. When did you get the Cadillac then?

A. It was probably still home in the garage.

Q. You left the Cadillac at home?

A. I think so. It could have been at home. It could have [fol. 1749] been taken back down to the shop. I don't remember that.

Q. Who would have taken it down there, if it was taken down?

A. It could have been my father drove down.

Q. I realize that before I asked the question, it could have been. You were there, I wasn't, and we are all interested in some of these little points. There is nothing wrong with your telling us.

A. If I knew I would tell you. I have nothing at all to hold back.

Q. There is nothing at all to implicate you or your dad.

A. I don't see how it could.

Q. We do want to know about the transaction and you are remembering more as time goes on, so keep it up. You took the check and went down in your own automobile. What kind of a car is that?

A. I believe I had a '47 Cadillac at that time.

Q. '47 Cadillac. Was that your dad's or yours?

A. My car.

Q. Where did you park when you went down there? Did you park on the Sunset Automotive lot or—

A. I usually park on the lot or alongside the building.

Q. I don't care where you usually park. Do you remember where you parked this morning?

A. I don't even know it was in the morning.

Q. Could it have been in the afternoon?

A. It could have been in the afternoon. It could have been the evening.

Q. Was anyone there when you arrived?

A. I am trying to remember. I am pretty sure there [fol. 1750] wasn't anybody there so it must have been evening.

Q. Was the office open?

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A. I had a key to it.

Q. Did you go into the office?

A. I must have if I put it in—if I put it in that desk drawer.

Q. Well, you remember putting it in the desk drawer?

A. I am quite sure.

Q. Do you remember unlocking the office and putting it in there?

A. I don't believe the office is locked. There wasn't any door on the office at that time.

Q. Oh, the desk is in there and it is just a open door and you walk in.

A. Yes.

Q. Where does the key fit that you had?

A. That is the key to the garage, the main door of the garage.

Q. Where they repair the automobiles?

A. Yes.

Q. You went in the little office. And did you find a envelope there?

A. It was put in the envelope before I took it down.

Q. Who put it in the envelope?

A. It must have been my father.

Q. You don't recall?

A. No.

Q. You remember seeing the check?

A. No, I didn't see the check, but I was told there was a check in there for that amount, I believe.

[fol. 1751] Q. Did you tell your dad how to make the check out, to whom the check should be made out?

A. I don't think I did.

Q. Did he ask?

A. He must have found out through some other way, because I don't remember him asking me.

Q. You knew the car belonged to Dave Beck, Jr.?

A. I don't know.

Q. It was his car as far as you knew?

A. No, it wasn't his car.

Q. It wasn't his car?

A. It is—he drove another Cadillac. I think you know what that is, I think you know he had another Cadillac.

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Q. He was driving another Cadillac.

A. He has his own.

Q. Who belonged to this car?

A. I heard it was Dave Beck, Sr.'s car.

Q. But Dave Beck, Jr. brought it in there two or three times?

A. He drove in and left it and picked up his other car.

Q. When he did that what did they do to the car they drove in to pick up? What did he do when he drove this car your dad bought, just leave it there or drive it in for some reason.

A. I don't know that.

Q. Now, you never saw the check that your dad had executed for this car?

A. No.

Q. This envelope that had Dave Beck, Jr. written on it, on the outside of it, where the check was, was that written [fol. 1752] on there before you went down there or after?

A. I believe it was written on there before.

Q. It was written on there by your dad probably, or the bank?

A. Probably by my dad.

Q. Was it in your dad's handwriting, do you recall?

A. I don't recall that.

Q. But you recall taking the envelope down there with Dave Beck, Jr. written on the outside and putting it into the drawer?

A. Yes.

Q. Do you recall that?

A. Yes.

Q. Is that distinct in your mind? Is that clear in your mind that is what you did?

A. Would you repeat that exactly.

Q. That you took the envelope from your dad that had Dave Beck, Jr. on the outside; took it down there in your '47 Cadillac; put it in the drawer of the desk, or whatever the thing is there that was open. Is that what you did?

A. I believe so.

Q. You didn't see your dad write on the outside of the envelope in your presence?

A. I don't know. No, he probably did it on his desk or something.

Q. He has a desk at home?

A. Yes.

Q. You told us first, Jack,—and I am not trying to confuse you, I am trying to find out if I can—that you didn't write anything on the envelope and there was no writing on the outside of the envelope, is my recollection. Ap- [fol. 1753] parently you said you didn't.

A. I didn't write.

Q. Was the writing on the outside Dave Beck, Jr.

A. I didn't deny that.

Q. My recollection must be mistaken. You didn't write that on the outside of the envelope?

A. Right.

Q. The check was in an envelope when you took it down.

A. Yes.

Q. It was your understanding then you were paying for the car and they were going to send the papers to you?

A. Yes.

Q. But you didn't contact Dave Beck and talk to him about it.

A. Dave Beck?

Q. Jr.

A. Jr., no.

Q. You didn't talk to Ken Eline about it.

A. I asked him about his mechanical opinion.

Q. You asked his opinion as a mechanic. You didn't ask about the transaction or tell him about the check or ask about the title papers or anything of that nature, is that right?

A. I don't remember that.

Q. I can't hear you.

A. I don't remember that.

Q. You could have?

A. I could have.

Q. But you didn't ask Dave Beck, Jr. about that.

A. No.

[fol. 1754] Q. You are sure of that? You are positive about that?

A. Yes.

Q. And you could have asked Kenneth Eline about it?

A. There is that possibility, yes.

Q. Could you have asked anyone else about it? Anyone else down there with any authority to arrange for the transaction at all or give you any instructions on it?

A. Somebody could have heard about it, I mean, things go through a shop like that.

Q. I mean in the dealing on this automobile and paying \$1850 of your dad's money you made arrangements with somebody.

A. I must have.

Q. You might have made them with Kenneth Eline, you did not make them with Dave Beck, Jr. Is there anyone else you could have made them with?

A. It brings it down to Kenneth Eline, doesn't it?

Q. It ends up there, yes, and it doesn't implicate him at all. It is not going to hurt him a little bit, even. We are merely trying to find out.

A. That must have been, but I don't remember the specific time that I did.

Q. The specific time or words?

A. I don't remember that I did for sure, but that is what it seems like it must have been.

Q. It sure does to me too. It wasn't Dave Beck, Jr. and it wasn't anyone else. Is that correct. It wasn't anyone other than Ken Eline?

A. I don't think it could have been anybody else.

Q. There is no one down there that could have made arrangements like that, is there?

[fol. 1755] A. No.

Mr. Regal: That is all. Do any of the jurors have any questions?

By Mr. Hanness:

Q. There was no question of any commission or anything like that that was involved for selling this darn thing. What about that?

A. So far as I know there was no commission received in selling the car.

Mr. Regal: What did you say?

The Witness: So far as I know no commission was received for the car.

By Mr. Devin:

Q. Would you care to explain why there is all this mystery around this sale, Jack. Why you put a check in an envelope and go down and place it in a drawer and somebody else takes it out and you don't know who you are buying it from and all of that. Have you any explanation to make for that?

A. I don't understand what you mean by mystery.

Q. Isn't that mysterious to put a check down in a drawer and say nothing about it and somebody comes along and takes it out of the drawer and gives it to somebody else? Did you ever buy a car before?

A. No.

Q. Did you ever see a car bought before?

A. Yes.

Q. Did this seem to be an unusual way to buy a car to you?

A. Not under the circumstances, no.

Q. What were the circumstances.

[fol. 1756] A. It was purchased and there was nobody there to—at that time, if somebody would have been there at the time I brought the check, I would have given it probably to somebody.

Q. Nobody was there.

A. No.

Q. Well, did you know who you were buying it from?

A. Yes.

Q. Who.

A. I knew who the check was to be made out to.

Q. You said you knew who you were buying it from. Who were you buying it from?

A. I believe the car belonged to the Teamsters, didn't it?

Mr. Devin: That is all.

(Witness excused.)

[fol. 1757]

CERTIFICATE

State of Washington,
County of King, ss.:

I, Louise Sartor, one of the official court reporters of the State of Washington in and for the County of King, do hereby certify that I am the official court reporter assigned to the King County Grand Jury convened in May, 1957;

That I was present before the Grand Jury and reported the testimony of Jack Stratton given before said Grand Jury under oath on the 19th day of June, 1957;

That the above and foregoing is a full, true and correct transcription of said notes taken in the above entitled cause and personally transcribed and typed by me;

That the foregoing transcript of testimony is being furnished to the defendant pursuant to Order Granting Defendant Permission to Transcribe Certain Portions of Grand Jury Testimony, signed by the Honorable Lloyd Shorett, on the 30th day of April, 1958.

Louise Sartor, Official Court Reporter.

[fol. 1758]

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF KING

No. 104594

IN THE MATTER OF THE

KING COUNTY GRAND JURY

Testimony of Fred Verschueren, Jr. Taken June 20, 1957

Be It Remembered that on the 20th day of June, 1957 Fred Verschueren, Jr. was called as a witness before the King County Grand Jury, and pursuant to permission granted by the Supreme Court of the State of Washington, and by Order Granting Defendant Permission to Transcribe Certain Portions of Grand Jury Testimony, dated the 30th day of April, 1958, the following transcript of his said testimony is furnished.

FRED VERSCHUEREN, JR. called as a witness, being first duly sworn on oath, testified as follows:

Direct examination.

By Mr. Devin:

Q. Would you state your name?

A. Fred Verschueren, Jr.

Q. Where do you live?

A. 611 15th North, Seattle.

[fol. 1759] Q. What is your occupation?

A. I am bookkeeper for the Joint Council of Teamsters.

Q. Are you an officer of that organization?

A. Well, that is, I am not actually certain. I am co-signer on the checks, but only in a—well, an accounting position until another officer is elected or appointed.

Q. What are the officers of the Joint Council of Teamsters No. 28. There is a president?

A. There is president, secretary-treasurer, and I believe there are trustees.

Q. How many trustees?

A. Of that I am not certain.

Q. Who was the president of the Joint Council No. 28?

A. Mr. Frank W. Brewster.

Q. Are you acting secretary-treasurer at this time?

A. Well, as I spoke with Mr. Lawrence before, so far as I know, yes. I am co-signer on the checks. I will just have to put it that way.

Q. Have you been authorized to co-sign the checks?

A. Yes.

Q. With whom are you a co-signer on the checks?

A. Mr. Frank W. Brewster.

Q. Must all checks of Joint Council No. 28 then be signed by you and Mr. Brewster at this time?

A. Yes.

Q. Ordinarily they would be signed by the president and by the secretary-treasurer?

A. That is correct.

Q. Is that right?

A. Yes.

[fol. 1760] Q. So your signing them more or less makes you the acting secretary-treasurer by virtue of that authority. I am just trying to identify it.

A. Well, yes, as I say—

Q. You don't know what legal authority you have, as I understand it, but you are signing the checks and you are authorized to sign the checks.

A. Yes.

Q. How long have you occupied this position, Mr. Verschueren?

A. Well, since the death of Mr. Sweeney. I am not certain as to the date. I just couldn't definitely state.

Q. Could you tell us approximately when Mr. Sweeney died, what year?

A. Oh, it was last year.

Q. Last year, 1956?

A. Yes.

Q. Was it the first part of the year or the latter part of the year?

A. Sort of the central part, I believe. I really don't—

Q. You are familiar with the books of the company, are you not?

A. Yes sir.

Q. How long have you been bookkeeper of Joint Council 28?

A. Since 19—as far as Joint Council 28 itself is concerned since 1955, January of 1955, I believe it was.

Q. What were you doing before that?

A. I was working for the Joint Council as a bookkeeper for the various locals within the organization.

Q. Would you explain to the jury please just how Joint Council 28 is made up?

[fol. 1761] A. Well, it is made up of the various locals within the State of Washington, with one local in the State of Idaho and they comprise the Joint Council of Teamsters No. 28. It is made up of the various locals within the State of Washington and in this area.

Q. Is there one Joint Council in each state or more or less?

A. There can be more.

Q. But there is at least one, is there?

A. Yes.

Q. And there is one in the State of Washington?

A. Yes.

Q. And the Joint Council in the State of Washington is made up of all of the teamster locals in the State of Washington?

A. Yes sir, with one local from outside the state, Coeur d'Alene, I believe.

Q. Do I understand that membership of the Joint Council of Teamsters is made up of other locals rather than of individuals, is that correct?

A. Yes sir, other locals and representatives thereof.

Q. So it doesn't have an individual membership, it is made up of representatives of other teamster locals?

A. Yes sir.

Q. How many representatives does each local have on the Joint Council?

A. Well—

Q. Does that vary?

A. It does vary according to size, yes.

Q. According to size of the local?

A. According to the membership of the individual local.

[fol. 1762] Q. Is it determined, is that representation determined then by the size of the membership of the local?

A. Yes, most generally.

Q. Some locals then would have more representatives on the Joint Council than others?

A. To the best of my knowledge, yes.

Q. Is that correct?

A. Yes.

Q. Does the Joint Council have regular meetings?

A. Yes.

Q. How often are they held?

A. Well, once a week, generally, with some exceptions. I believe they are suspended during the summer months.

Q. Is that regular meeting then attended by, or is it supposed to be attended by, all of the members of the Joint Council?

A. All the representatives, yes, of the various locals within the Joint Council. Yes, they are all invited.

Q. Do you know how many locals there are in Joint Council 28?

A. Off-hand, no sir. I could estimate.

Q. Just estimate it roughly?

A. Well, thirty-five—no, forty to forty-five, I would say.

Q. These are scattered all over the State of Washington, I presume.

A. Yes.

Q. So the representatives from these various local teamster unions attend these regular weekly meetings of the Joint Council 28, do they?

[fol. 1763] A. There is generally quite a good representation, yes.

Q. Are those meetings always held at the same location? Are they held in Seattle or held in other parts of the state?

A. No, they are held in Seattle.

Q. Is this the headquarters of Joint Council 28?

A. Yes.

Q. How many people are employed by the Joint Council?

A. I would have to estimate that also.

Q. Could you estimate it?

A. Ten to fifteen.

Q. They are employed in the Seattle office here?

A. They are employed out of the Seattle office, yes sir.

Q. What are your duties as bookkeeper and as acting secretary-treasurer, if that is what you are. What are your present duties for the Joint Council?

A. They have changed none since I became acting secretary-treasurer, other than the fact, as I say, I am co-signer on the checks. I still am merely keeping books for the Joint Council of Teamsters.

Q. What are your duties as bookkeeper then?

A. Well, to—

Q. Keep the books?

A. Yes, keep the books.

Q. You keep all the records of the Joint Council. You are in charge of all the records?

A. All of it, yes. The books, yes sir.

Q. Is there anyone else in charge of any of the records of the Joint Council?

A. Not of the Joint Council proper, no sir. I mean, you [fol. 1764] may be referring to the building association, but that is another—

Q. No, I wasn't. I was referring to Joint Council 28.

A. Yes.

Q. Does the Joint Council 28 own any property?

A. No.

Q. Does it own the title to any automobiles?

A. Yes.

Q. When you said no property you meant no real property?

A. Yes sir, that is what I was referring to.

Q. But they do own title to personal property, is that right?

A. Oh yes, yes.

Q. To automobiles.

A. Yes, automobiles, office equipment.

Q. Do they have a bank account?

A. Oh yes, yes.

Q. Office furniture and fixtures?

A. Oh yes.

Q. What other personal property do they have? Do they have any investments?

A. There are some loans from the Joint Council, I believe.

Q. Loans from the Joint Council?

A. Yes.

Q. Has the Joint Council borrowed money? Does it borrow money?

A. Yes, it has in the past.

Q. Does it owe any money now, outside of current expenses?

A. To my recollection, no sir.

Q. How is this personal property carried on the books of the company?

[fol. 1765] A. Well, it is carried just as a direct expenditure. It has never been capitalized and depreciated. Being a tax exempt organization there is no advantage to depreciating real property. It would only amount to added bookkeeping and would net us nothing as far as—I mean, it would be an added expense to us to capitalize and depreciate it, because of the time involved.

Q. How are the automobiles carried on the books of the company?

A. They have always been treated in that same fashion.

Q. Under what heading? What classification are they carried under?

A. As an automobile expense.

Q. Automobile expense?

A. Yes.

Q. How is the furniture carried?

A. As an office equipment expense.

Q. So if the Joint Council buys an automobile it is entered on the books of the company as an automobile expense, is that right?

A. Yes sir.

Q. Let's assume that they pay \$4,000 for an automobile, a new automobile. Then that is entered on the books as an automobile expense, \$4,000?

A. Yes sir.

Q. That is written off then?

A. Yes sir.

Q. What happens if that automobile is turned in on another car?

A. Well, if there is a balance owing over and above that, [fol. 1766] a check is issued and it reflects right into automobile expense again.

Q. Suppose that automobile is given to someone as a gift, what entry is made on the books?

A. Well, there would be no book entry made at that time. It would show on the title, that would be the only—

Q. Is there a permanent record kept of the title to cars?

A. No sir, there never has been.

Q. It is only the certificate of title?

A. That is correct.

Q. Do you have that in your possession, the title to all of the cars that are owned by the Joint Council?

A. I am turning those over to—

Q. To the Grand Jury?

A. To the Grand Jury. In fact, I had them down all day yesterday and didn't get the opportunity to get downstairs to turn them over to Mr. Marx.

Q. Ordinarily those titles are in your possession?

A. Yes sir.

Q. You keep those actual physical certificates?

A. Yes sir.

Q. When a car is transferred who is authorized to sign the transfer of that title?

A. Well, it would be officials of the Joint Council.

Q. Meaning who?

A. Either the Secretary-Treasurer or the President.

Q. They are the only two that would be authorized to sign?

A. Of that, sir, I am not certain now. I would not make a definite statement on that.

Q. Have you ever signed a title to a car?

[fol. 1767] A. I may have, sir.

Q. In what capacity?

A. I wouldn't definitely say that either.

Q. Do you know how many you have signed?

A. No, I do not.

Q. Has it been more than one?

A. I would not definitely say one way or the other. I really do not recall.

Q. Is there any record kept of the cars which are purchased by the Joint Council and later disposed of?

A. No sir, there never has been. I mean, there wasn't prior to my taking over the books and I did not—I just followed along in line, the same system that they had been handling it.

Q. So there is no way of tracing a car that is purchased by the Joint Council as to what happened to it, is that correct?

A. Well, the title would certainly show that, sir.

Q. Suppose one of the locals of Joint Council 28, the representatives came to you and said, "I would like to know how many cars the Joint Council has bought in the last year." Would you open your books and show them. You would say we bought this many cars?

A. Yes sir, that could be determined by the entries in the cash book. You could go down there and naturally a check drawn to an automobile concern for a considerable amount would be for the purchase of an automobile.

Q. Wouldn't it also be on your books, entered as an automobile expense?

A. That entry would be in the automobile expense, yes. [fol. 1768] Q. Every car you bought would be on there, wouldn't it?

A. Yes.

Q. And the amount you paid for it?

A. Yes.

Q. Then if he should say, "How many cars do you have in your possession at the present time?" How would you determine that?

A. By the number of titles I was holding.

Q. You would go where you have the titles kept and take those out and count them over?

A. Yes.

Q. For illustration, we will say you had purchased fifteen cars in the last year and you had only ten titles, how would you account to the representative for the other five cars?

A. Well, if they were sold, which would presumably be the situation, there would be a book entry as far as the cash book was concerned showing the sale of the car.

Q. You have no way of knowing whether they were sold, would you, from the books or any other way, for that matter.

A. Well, yes, from the books. The entry in the books would show that this certain amount was received for the sale of that automobile.

Q. Suppose it never reached there. Suppose, for instance, that car was traded in on another car and you showed that other car for a lesser price than a new price because you had a trade-in value?

A. That would not be reflected. That would not reflect in the books.

[fol-1769] Q. You wouldn't know what happened to that car.

A. From the books you would not, no.

Q. Would you know from any other way?

A. From memory only.

Q. Suppose Mr. Brewster was a friend of someone and he wanted to convey one of those cars to that friend and he came to you and asked you to give him the title to that car, would you give it to him?

A. Well, yes.

Q. Could he sign the title of that car away from the Joint Council and give it to that friend?

A. To the best of my knowledge yes, he could.

Q. Would your books reflect any receipt of that money if he didn't give it to you?

A. Well, if he didn't give me the money, no, the books would not reflect any receipt of it.

Q. Then the books would not reflect to whom that car was sold, either, or was transferred?

A. No. As I say, only going to the title and determining from that.

Q. Suppose Mr. Brewster came to you by the same process I just related and asked you for the title to a car and actually sold the car to another party and received a check for it for \$1800 and gave you that check. Would that show in the books?

A. Yes sir.

Q. Where would that show?

A. That would show on the receipts in the books. There would be a notation opposite, or should be. I have no way of knowing what notations were made or how the books [fol. 1770] were handled before I took them over, but if I received the check there would be a notation there as to its origin and the reason for it.

Q. Would that notation be under the car account or some other place?

A. It would be under miscellaneous receipts.

Q. Would it show what it was for?

A. Yes.

Q. How would that entry be made?

A. Sale of such and such a car to so and so; words to that effect.

Q. You would put the purchaser?

A. Generally, yes.

Q. Who it was sold to?

A. Yes, if I was making the entry.

Q. What would you do if you knew that Mr. Brewster had taken a car like I have related, taken the title to the car and sold it and not given you the money for it. Would you have reported that to anyone?

A. Well, how would I know that he had done that, sir?

Q. Well, when you gave him the title to the car would you make any inquiry of him what he was going to do with it?

A. Well, as my employer, no I would not.

Q. Well, suppose Dave Beck, Jr. asked you for the title to a car. Would you ask him what he was going to do with it?

A. Yes, I may ask him.

Q. If he said he was going to sell it, what would you say and what would you do?

A. Well, that is a hypothetical question.

[fol. 1771] Q. Would you report it to anyone?

A. Oh yes, definitely.

Q. Whom would you report to?

A. Well, my superiors.

Q. Who is your superior?

A. Well, Frank Brewster. It depends now when this took place, I mean, as to who my superiors were, with the Secre-

tary-Treasurer and the President of the Joint Council. I mean, there have been many.

Q. Your own superior is the President or the Secretary-Treasurer?

A. And its Trustees.

Q. How many Trustees are there?

A. That I am not certain of.

Q. Do you know who they are?

A. Not definitely, no sir.

Q. You would have a hard time reporting to them, wouldn't you, if you didn't know who they were?

A. Yes, that is true.

Q. Have you ever reported a case of that kind to your superiors?

A. I don't recall now.

Q. Now, Mr. Verschueren, I want to hand you Exhibit 15, which are photostatic copies of license certificates and so forth. I will ask you if you can identify whether that is Mr. Brewster's signature?

A. It looks like his signature, yes.

Q. Do you recognize what that is?

A. It is a registration for—what do you mean, what it is?

Q. What is the instrument?

A. It is a motor vehicle title.

[fol. 1772] Q. Title to what kind of a car?

A. A 1951 Cadillac.

Q. In whose name is the title?

A. Joint Council of Teamsters No. 28.

Q. Is the signature on the back of that that of Mr. Brewster? Does it appear to be?

A. It does, yes.

Q. Is there any date there?

A. January 4, 1955.

Q. Were you acting Secretary-Treasurer at that time?

A. No sir, I believe John Sweeny was alive at that time.

Q. Do you know whether the books of the Joint Council reflect this sale in any way?

A. Without going to the books, no sir, I couldn't say.

Q. Could you tell by looking at the books?

A. Well, if given time, yes sir, I could.

Q. Could you tell by examining the books whether \$1850 which appears to be the purchase price for that car ever

found its way into the treasury of the Joint Council of Teamsters? Could you tell by looking at the books?

A. I believe I could, yes sir.

Q. Was Dave Beck ever Vice-President of the Joint Council?

A. Vice-President?

Q. Yes. Was he Vice-President the 25th of January, 1951?

A. Not to my knowledge. I mean now I really couldn't say.

Q. Were you working for the Joint Council in '51?

A. Yes, but you say Vice-President?

Q. Was he any officer?

A. I believe he was President.

Q. Do you know whether that is Dave Beck's signature there?

[fol. 1773] A. It—no, I wouldn't say that was.

Q. You wouldn't say it was.

A. No sir.

Q. Do you know Dave Beck, Jr.'s signature?

A. No, not to any great extent, but I wouldn't say it was.

Q. I don't think it is either.

A. I wouldn't say it wasn't, but I wouldn't say it was, either.

Q. To your knowledge there was no such office as Vice-President of Joint Council of Teamsters.

A. There is an office, yes. I believe now that you bring it up there is an office, but Dave Beck was never—well, he may have been at one time. I couldn't say, but in the last few years or the last ten years he wasn't.

Q. How long did you say you had been bookkeeper for Joint Council No. 28, Mr. Verschueren?

A. Since January, 1955, I believe.

Q. To your knowledge has the Joint Council of Teamsters ever given away any cars as a gift?

A. Not to my knowledge.

Q. Who was the bookkeeper prior to the time that you took over?

A. Mrs. Peggy Agapoth.

Q. Do you know where she is at the present time?

A. Well, the last I heard she was in Japan. She married a Chief in the Navy.

Q. Do these books which are here—and are these the books which you delivered in compliance with the subpoena?

A. They look as though they are, yes.

[fol. 1774] Q. If they are the ones that you delivered, Mr. Verschueren, do they contain an accurate record of all the receipts and disbursements from January 1954 until the present time?

A. Yes sir.

Q. Could you tell by looking at those books whether or not any amounts of money had been paid or delivered to the Joint Council during that time, from 1954?

A. Paid to the Joint Council you say, sir?

Q. Yes.

A. Yes.

Q. Would you then please take these books down to the Grand Jury room and examine them to determine whether or not there was paid to the Joint Council between January 1954 and the present date, \$1850, or any similar amount, for the sale of this 1951 Cadillac car. Could you determine that from the records?

A. Yes sir.

Q. Whether or not it is there. And also would you please show us, as you are going through the books, make a notation of any place in the books that shows the receipt of any money for the sale of any cars during that period. Would you do that from this?

A. Yes.

By Mr. Lawrence:

Q. I wonder if we could ask also, Mr. Devin, if he would show and if he would make a note and show us any item of receipt of \$1850 whatever it might be that is on the books, in that amount of money. Would you do that?

A. Yes.

[fol. 1775] By Mr. Regal:

Q. Mr. Verschueren, you said that Joint Council 28 owns automobiles?

A. Yes.

Q. How many cars do they have now?

A. Well, I think it is five, but I am not definite.

Q. Does it fluctuate?

A. Oh, yes, some. I believe they own five now.

Q. You have been a member of the Joint Council of Teamsters for how long?

A. A member?

Q. An employee, rather.

A. April 15, 1947.

Q. April 15, 1947.

A. Yes sir.

Q. What was your job at that time?

A. I was employed by the Joint Council of Teamsters as a bookkeeper for various locals housed in the same building.

Q. Were there a great number of locals?

A. Yes.

Q. More than ten?

A. Yes, I believe so.

Q. Did you keep separate books for each local?

A. Yes.

Q. It was quite a stack of books that you kept.

A. Yes.

Q. Those books would indicate the receipt of money from union dues?

A. Yes.

Q. And the disbursement of monies for various things [fol. 1776] they had to buy and maintain the operation?

A. Yes.

Q. Did you have anything to do at all with the books of the Joint Council before January of—

A. No. Excuse me.

Q. When did you start as a bookkeeper for Joint Council
28. What month of '55?

A. I believe to the best of my recollection, it was January of 1955. The books will also reflect that too.

Q. You can look at the books and see by the handwriting when you started?

A. Yes sir.

Q. The very day in fact?

A. Definitely yes.

Q. When you started keeping the books was Mrs. Agapoth there for a period of time while you were taking over her books?

A. A very short time, approximately a week. It was quite a sudden move that she made.

Q. She was going to leave and go with her husband and you were advanced to that job?

A. Yes.

Q. When you took over the books then you started making all of the entries in the books?

A. Yes.

Q. You testified to Mr. Devin's question that from January of '54 to the present time these books contain all of the receipts and all of the disbursements.

A. Yes.

[fol. 1777] Q. That is sort of a categorical question and you categorically answered it.

A. I see. All right, no. He had a different year.

Q. Mrs. Agapoth might have missed a few.

A. I have no way of determining.

Q. As far as you know what the practice is they should contain all of the receipts and all of the disbursements?

A. Yes sir.

Q. Furthermore, from what you have heard from her and what she told you concerning the conduct and keeping of these books they do contain all of the receipts and all of the disbursements.

A. Yes sir.

Q. Do these various locals own cars too?

A. Yes.

Q. Do they purchase them in the same way, and classify them as an expense?

A. Yes.

Q. Then when they were sold they handled it in the same manner?

A. Yes sir.

Q. Who are some of the Trustees of the Joint Council? Just name as many as you can remember?

A. Well, now I am not absolutely certain—

Q. As well as you know.

A. All right. B. I. Bowen.

Q. Where does he reside, what city?

A. Here.

Q. Seattle. Who else? Are they all in Seattle?

A. No, they are not.

[fol. 1778] Q. This one is in Seattle. Who else?

A. In fact, I won't be able to give you the out-of-town ones. Eric Ratcliffe. There are two from out-of-town, but I wouldn't want to state a name because I not absolutely certain.

Q. Give us what you think they are. If you are wrong it is not going to hurt anyone. It won't hurt anyone any way.

A. Charlie Jewell.

Q. Where does he reside?

A. Wenatchee.

Q. Who else?

A. Well, I can't even think of—I can't think of the other one's name. It is Everett.

Q. A man in Everett.

A. Yes. I know it as well, I can't think of it.

Q. If you think of it while you are looking over the books and waiting to come back, will you let us know when you come back?

A. Uh huh.

Q. Now, Exhibit 15, just one question clarified here. With reference to one of these documents Mr. Devin showed you, he showed you the document and asked you whether or not it appeared to be Mr. Brewster's signature.

A. It appears to be.

Q. Do you know Mr. Brewster's signature when you see it?

A. Yes.

Q. You do know it?

A. Yes.

Q. You have seen it many, many times?

A. Yes.

[fol. 1779] Q. Hundreds of times almost?

A. At least, yes.

Q. Now, looking at the signature again, which is the back apparently of a picture of the certificate of title to the motor vehicle, and it shows a 1951 Cadillac, License A-243-198 and behind that—you check that, A-243-198—behind that shows a signature of Mr. Brewster?

A. Yes.

Q. That is his name. Is that his signature on lines one and two?

A. It appears to be his signature.

Q. It appears to be his signature.

A. It appears to be his signature, yes.

Mr. Regal: That is all.

By Mr. Lawrence:

Q. Mr. Verschueren, your father is Fred Verschueren, Sr.

A. Yes sir.

Q. Where is he now?

A. He is in Seattle, sir.

Q. Whereabouts in Seattle?

A. Well, I believe he just came home from the hospital.

Q. How recently did he come home from the hospital?

A. Well, the early part of this week, I believe it was. I don't rightfully recall.

Q. Monday or Tuesday of this week?

A. Yes.

Q. Where does he live?

A. 521½ 17th Avenue North.

Q. Who is his doctor?

A. Dr. Alex Grinstein.

[fol. 1780] Q. To the best of your knowledge what is your father's ailment?

A. Well, cellulitis. It is a circulatory ailment.

Q. Is he up and about the house now?

A. He is moving around. His legs are still swollen.

Q. Does he get dressed during the day?

A. I believe so.

Q. What office does your father hold, if any, with the Teamsters Union or any affiliated union?

A. What offices?

Q. Yes.

A. Well, he is the Auditor for the eleven western states under the International Brotherhood.

Q. Is he employed by the International Brotherhood or the Western Conference?

A. Yes, the International.

Q. He is Auditor for the International assigned to the eleven western states.

A. Yes.

Q. Does he have any employment at the Western Conference?

A. No sir.

Q. Or Joint Council No. 28?

A. No sir.

Q. With any local?

A. No sir.

Q. As Auditor for the International does he have authority to examine and audit the books of the various locals?

A. No, he does not.

Q. What are his duties then, as Auditor?

A. Well, he has not the authority in his own right with [fol. 1781] out being directed to do so, let me put it that way.

Q. Who would direct him?

A. The International.

Q. What type of direction would he receive?

A. Well, that is something you would have to check with him on that.

Q. Would he get an assignment to go out and audit Local 121 or some such thing?

A. Yes.

Q. Would he get an assignment to audit the Western Conference for instance?

A. Yes, he—if he were assigned to do so, it would come out of the International office.

Q. As I understand it, he doesn't have a continuing job as Auditor, but simply audits upon specific assignment?

A. He has a continuing job as Auditor, yes.

Q. A specific assignment consumes his own time. He is not a free agent to determine when and what he will audit?

A. To an extent, yes, he is a free agent to determine what he does, but he does need the assignment out of the International, I mean.

Q. Will he get a blanket assignment, like auditing a local you feel needs auditing?

A. I don't follow you.

Q. You say he is more or less a free agent. Is that because he has a general assignment or authority to audit any local that he feels needs auditing or hasn't been audited for a while?

A. Yes and no, but as I say that direction must come from the International.

[fol. 1782] Q. Do you think your father is physically able to come to court here and testify before the Grand Jury?

A. I have no way of determining that, sir.

Q. I would like to ask you a question about the sale of this 1951 Cadillac. Do you recall this transaction at all?

A. No sir.

Q. Where a 1951 Cadillac was sold to a Mr. Stratton?

A. No sir.

Q. Do you know anything of it?

A. Not a thing, sir.

Q. Do you recall anything?

A. I do not recall ever seeing the title, in fact.

Q. Do you recall any problem in connection with the sale that took a matter of some time before the title could be straightened out to pass to the purchaser?

A. I do not.

Q. You have no knowledge at all of this transaction?

A. I have no recollection of it.

By Mr. Devin:

Q. Mr. Verschueren, could you state whether or not you know what happened to all of the cars of the Joint Council 28 since you have been acting Secretary-Treasurer in 1955? Or, let's say since you have been bookkeeper?

A. No, I could not.

Q. You couldn't say?

A. No.

By Mr. Lawrence:

Q. Will you take these books down and then will you advise Mr. Marx when you are ready to answer.

A. All right.

[fol. 1783] (Witness excused to examine books.)

(Witness recalled in the afternoon session after examining books and records.)

By Mr. Devin:

Q. Mr. Verschueren, you were asked this morning to examine the books of the Joint Council No. 28 with a view to determining, if you could, if there was any notation in the books showing the purchase of an automobile between January 1954, and the present date. The sale of an automobile of Joint Council No. 28 for \$1850. Did you examine the books?

A. I did, sir.

Q. Did you find any record of that sale?

A. No, not in the records I examined, no sir.

Q. Did you find in the records you examined a record of any sale of a car during that period?

A. No sir.

Q. Did you find in the records an entry of any amount approximating \$1850 as a receipt to the Joint Council?

A. No sir.

Q. In your opinion, Mr. Verschueren, were the records you examined the complete and total records of the Joint Council 28?

A. Yes sir, for that particular time.

Q. There were no other records in which such a transaction might have been entered, is that correct, that you know of during that period?

A. Well, I can't definitely say that, no sir. It could have been channeled into another fund. I couldn't really say.

[fol. 1784] Q. Well, if it had been channeled into another fund would it have been entered on the books which you looked at?

A. Not necessarily, no.

Q. What other books are there?

A. I mean, there is a possibility it might have gone into the Western Conference. I couldn't say that.

Q. Is it possible that any transaction of the Western Conference could have gone into the Joint Council books?

A. Yes sir. Well, now, I can't say that. I didn't examine for that.

Q. How could it have gotten on the Western Conference books if it was a car of the Joint Council?

A. I couldn't determine that, but I am just saying there is that possibility.

Q. Have you ever known of an instance where that happened?

A. I have known a title to read improperly, yes sir, whereas it should have been a Joint Council car or vice versa and it was registered improperly. It has occurred in the past, yes.

Q. In other words, you have known of instances where property which rightfully belonged to the Joint Council was registered in the name of the Western Conference?

A. Yes sir, through error.

Q. Through error?

A. Yes sir.

Q. But do you know of any instance where property belonging to the Joint Council and registered in the name of the Joint Council was ever sold and the money for the sale of that ended up in the Western Conference?

[fol. 1785] A. Not for a fact, no sir.

Q. Where are the offices of the Joint Council, Mr. Verschueren?

A. Where are they?

Q. Yes. Where are they located?

A. The offices are on 552 Denny Way, Seattle.

Q. That is the Teamsters headquarters?

A. Yes.

Q. Is Dave Beck's office in that same building?

A. Yes sir.

Q. Do you know Mrs. Guiry?

A. Yes.

Q. Do you know her to be Mr. Beck's secretary?

A. Yes sir.

Q. Do you know whether she handed Mr. Beck's—the affairs of the B & B Investment Company?

A. I can't—I couldn't swear to it, no. I mean, hearsay only.

Q. Do you know whether or not she handled any of the affairs for the Western Conference of Teamsters?

A. She was employed by them for some period, but I don't know to what extent she handled any of the affairs. In a secretarial capacity only.

Q. Did she, to your knowledge, handle any affairs for Joint Council 28?

A. Not to my knowledge.

Q. Do you know whether or not she would have the authority to direct the title to a car to be signed by an officer of the Western Conference of Teamsters?

A. Do I know if she would have the authority?

[fol. 1786] Q. Yes.

A. Well, I wouldn't know. I do not know or wouldn't know.

Q. Do you know whether she had the authority to direct the signing off of the title to a car owned by the Joint Council?

A. No, I do not.

Q. Do you know she does not have that authority?

A. Well, she does certainly not now. I could not say in the past what the condition was.

Q. You stated, Mr. Verschueren, you knew or had heard of some authority she had. Would you state what that was.

A. Well, no I don't believe I stated she had any authority. I said she might have, I would have no knowledge or any way of knowing.

Q. You don't know of any authority she had for the Western Conference?

A. Well, as I say, I don't know of any.

Q. Did she used to work for the Western Conference?

A. Yes.

Q. Do you know when she ceased working for them?

A. I wouldn't venture a date. It is some time ago.

By Mr. Regal:

Q. Mr. Verschueren, before lunch you told us four of the Trustees of the Joint Council. You didn't know the man's name in Everett. Did you think about that recently. Did it come to you all of a sudden?

A. Frankly, it slipped my mind entirely. I certainly can obtain it, however.

Q. Will you obtain the names of all the others. Can you obtain the names of the officers and trustees of the Western [fol. 1787] Conference of Teamsters for us. That information is available, is it not?

A. I believe it is, yes.

Q. Where would it be if you got it. Is it on the records at the Teamsters Union?

A. I imagine it would be in the minutes themselves.

Q. Are the minutes available to you?

A. They will be available to you, I believe.

Q. They will be available to us now.

A. I believe so.

Q. They are in the minutes?

A. I believe they would be.

Q. Of your own knowledge you don't know who the officers of the Western Conference are other than Frank Brewster?

A. Other than Frank Brewster and myself as signing—acting—

Q. Acting Secretary-Treasurer. You have no contact with the other officers. Who are the other officers, what are their positions, if you don't know their names?

A. I don't believe there are any other positions in the Western Conference.

Q. Just President and Secretary-Treasurer.

A. I believe so.

Q. You don't have a sentinel—

A. No, it is set up—it is a Policy Committee of various members.

Q. As Secretary-Treasurer is it your job to make out the checks or sign the checks of the Policy Committee? Do they receive a salary?

A. No, they are unsalaried.

Q. Is it necessary for you to contact them in any way?

[fol. 1788] A. They have regular meetings to set policy, yes.

Q. Have you ever had occasion to contact them at some of your functions?

A. No.

Q. You don't know who they are?

A. I have never attended a Policy Committee meeting.

Q. You are not a member of the Policy Committee of any organization?

A. No.

By Mr. Hanness:

Q. May I interject one point regarding officers. This morning you mentioned that there was provision for a Vice-President, but you didn't know it had ever been filled. Does that apply to the Western Conference?

A. I don't know—that doesn't apply to the Western Conference.

Q. Apparently then you were referring to the Joint Council?

A. That is right.

By Mr. Ostroth:

Q. I wonder if you were getting Western Conference and Joint Council confused here in these last questions.

A. I am employed by the Joint Council.

Q. You don't have anything directly to do with the Western Conference?

A. Only in an accounting capacity.

By Mr. Regal:

Q. Let me clarify this for the jury. Tell us your position with the Joint Council? It is bookkeeper?

A. That is right.

Q. Do you hold any other position with the Joint Council? [fol. 1789] A. At the present time, since Mr. Sweeny's death, I am the acting Secretary-Treasurer.

Q. Who is the president of the Joint Council?

A. Frank Brewster.

Q. Who is the president of the Western Conference of Teamsters?

A. The same.

Q. Frank Brewster?

A. Yes.

Q. Who is the acting Secretary-Treasurer of the Western Conference of Teamsters?

A. I am.

Q. In other words, there is that connection?

A. Yes.

By Mr. Hanness:

Q. Could you enlarge a little on the Vice-President deal. If there is provision for it do you know whether it has ever been filled and if so, by who?

A. I believe it is filled. I will have to obtain that information.

Q. The impression has gotten around, in my mind at least, there is no vice-president and I am curious now to know that there is one.

A. Well, sir, I am not definitely certain as to the provisions myself as far as the by-laws are concerned. All I said was I believe there is an office of vice-president and I also believe it is filled.

Q. What would lead you to believe that?

A. Well, I don't know what would lead me to believe it other than—

Q. (Interposing) There is no reason to believe there [fol. 1790] was one unless you had some foundation for it.

A. Well—

Q. Wouldn't it occur to you there was an organization without a vice-president if you didn't know there was one?

A. Pardon?

Q. Wouldn't it occur to you your organization didn't have a vice-president if there wasn't one?

A. Well, if you will allow me to do so, I will definitely ascertain that—who the officers are and what office is held.

By Mr. Devin:

Q. In order to clear this up, Mr. Verschueren, do you know if there is a constitution and by-laws of the Joint Council?

A. I have never seen it, but I believe there is one.

Q. If there is one would you be able to get a copy for us?

A. I believe I could.

Q. Did I understand now, when you were talking about vice-president, it was vice-president of the Joint Council, was it not?

A. Yes, vice-president of the Joint Council.

Q. I think that arose this morning Mr. Verschueren when I asked you to look at this signature of Dave Beck, V.P. which is signed Joint Council No. 28, isn't it?

A. Yes.

Q. Signed Dave Beck, V.P.

A. Well, now, all I said this morning, however, was that Mr. Beck had never been Vice-President, to my knowledge.

Q. But you said you thought there was an office of Vice-[fol. 1791] President.

A. Yes, that is correct.

By Mr. Regal:

Q. I wanted to go into this a little bit more about the B & B Investment Company. Do you know of the existence of the B & B Investment Company?

A. Yes.

Q. Do you know what it is?

A. No.

Q. Do you know whether or not there is an office building with B & B Investment Company sign across the front of it?

A. I don't know, no.

Q. Do you know of it as a bank account, personal bank account of Mr. Beck?

A. I know of it.

Q. You know the B & B Investment Company. Tell us what it is?

A. Well, I don't know what it is, personally.

Q. What do you know of it then, if you know of it?

A. Well, I just know the account exists.

Q. There is an account B & B Investment Company in a bank, is that correct?

A. Yes.

Q. You know of that account?

A. Yes.

Q. Tell us how you know of it, of the account?

A. Well, I have just seen checks drawn on it and so on.

Q. That have come through the Joint Council 28 or Western Conference of Teamsters?

[fol. 1792] A. Some of them, yes.

Q. When was that?

A. Well, over a period of time.

Q. What were the nature of the checks?

A. They were parking rental, mainly.

Q. Did they come through your books or your offices, these checks that you saw?

A. Some of them did.

Q. What was the reason they came through your office if they were the personal account of Mr. Beck.

Mr. Lawrence: Mr. Beck owns the parking lot, we know all about that.

Mr. Regal: These are preliminary if I may. Sometimes it takes a longer time to get to it, but this is preliminary.

Q. He owns a parking lot?

A. He owns parking areas.

Q. These checks came through your office. How were they made out?

A. They were made out to the B & B Investment Company.

Q. Had Mr. Beck talked to you about these checks before? That they might come through your office?

A. Possibly, I really couldn't say.

Q. Mr. Lawrence tells me that these checks that we are talking about, you and me, he knows more about it than we do, I am sure, and he is right, he has investigated this. He says these checks are made by the Joint Council or the Western Conference of Teamsters to Mr. Beck—

Mr. Lawrence: To B & B.

Q. To B & B Investment Company.

[fol. 1793] A. That is correct.

Q. What is that for?

A. For parking spaces.

Q. He owns land that the union uses and the union pays him for this parking space?

A. That is right.

Q. In other words, he is selling parking space to the union for the land he supplies, his own personal property?

A. Yes.

Q. You have received other checks from outside sources that came through the office?

A. There have been a few, yes.

Q. From what sources were they? Were they from parking lots or what?

A. Yes.

Q. Parking lots?

A. Yes.

Q. Does he own other land inside the city here?

A. I have heard that he does.

Q. You have heard that he does, and these checks have come through. How are the checks made out?

A. The same.

Q. B & B Investment Company?

A. Yes.

Q. Or are they made out to Dave Beck sometime?

A. Well, I wouldn't venture to say.

Q. What do you do with these checks made out to B & B Investment Company and Dave Beck, if they are?

A. I send them up to his office.

[fol. 1794] Q. Dave Beck's office. Who instructed you to do that?

A. I don't believe I received any instructions on it.

Q. Who told you that B & B Investment Company was a company owned by Mr. Beck, or at least a bank account of Mr. Beck's?

A. I really couldn't tell you, sir.

Q. But you automatically sent these up there whenever you got them?

A. Yes.

Q. Apparently one time you were told by someone who had knowledge what the case was that these checks coming through were for Mr. Beck?

A. Yes.

Q. Where is Mr. Beck's office located?

A. In the Teamsters Building.

Q. How many doors away is it from your office?

A. Oh, quite a few doors. It is upstairs.

Q. On the same level, isn't it?

A. No, it is not.

Q. Downstairs?

A. Upstairs.

Q. Then these checks that came in for Mr. Beck you had to transfer to his office. They were in your office by mistake?

A. Yes.

Q. In other words, the Joint Council of Teamsters No.

28 and the Western Conference of Teamsters wasn't handling, through you, his private checks.

A. No.

Q. They merely came in in your mail and when you [fol. 1795] found them in your mail you would send them on to Mr. Beck?

A. Yes.

Q. Is that right?

A. Yes.

Q. Except for the checks the Western Conference and the Joint Council 28 were paying Mr. Beck for the use of the parking lots.

A. Except for the Joint Council. I have nothing to do with the Western Conference.

Q. Then you sent those checks along in the regular course. How did you make those out, B & B Investment Company or Dave Beck?

A. I believe so.

Q. Beg pardon?

A. I believe it was B & B Investment.

Q. Which?

A. B & B Investment.

Mr. Regal: That is all I have.

(Witness excused.)

[fol. 1796]

C E R T I F I C A T E

State of Washington,
County of King, ss.:

I, Louise Sartor, one of the official court reporters of the State of Washington in and for the County of King, do hereby certify that I am the official court reporter assigned to the King County Grand Jury convened in May, 1957;

That I was present before the Grand Jury and reported the testimony of Fred Verschueren, Jr. given before said Grand Jury under oath on the 20th day of June, 1957;

That the above and foregoing is a full, true and correct transcription of said notes taken in the above entitled cause, and personally transcribed and typed by me;

That the foregoing transcript of testimony is being furnished to the defendant pursuant to Order Granting Defendant Permission to Transcribe Certain Portions of Grand Jury Testimony, signed by the Honorable Lloyd Shorett on the 30th day of April, 1958.

Louise Sartor, Official Court Reporter.

[fol. 1797]

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF KING

No. 104594

IN THE MATTER OF THE
KING COUNTY GRAND JURY

Testimony of Fred Verschueren, Jr. Taken July 10, 1957

Be It Remembered that on the 10th day of July, 1957 Fred Verschueren, Jr. was called as a witness before the King County Grand Jury, and pursuant to permission granted by the Supreme Court of the State of Washington, and by Order Granting Defendant Permission to Transcribe Certain Portions of Grand Jury Testimony, dated the 30th day of April, 1958, the following transcript of his said testimony is furnished.

FRED VERSCHUEREN, JR. called as a witness, being duly sworn on oath, testified as follows:

Direct examination.

By Mr. Devin:

Q. Would you state your name, please?

A. Fred Verschueren, Jr.

Q. You have testified here before?

[fol. 1798] A. Yes sir.

Q. During 1954, 1955 and 1956 what was your occupation?

A. I was bookkeeper for—well, the Joint Council of Teamsters No. 28.

Q. Were you paid your salary by the Joint Council?

A. Yes sir.

Q. Were you employed by the Western Conference?

A. No sir.

Q. Did you do any business for the Western Conference?

A. No sir.

Q. Did you do any business for the International?

A. No sir.

Q. Did you do any business for Dave Beck, either personally or as an officer of the Western Conference or International?

A. Well, I may have, sir. I don't quite follow you there. How do you mean?

Q. Did you handle any monies for Dave Beck?

A. Yes sir.

Q. What money did you handle for him?

A. Well, sir, that is why I want to come back and clarify my prior testimony. It was absolutely beyond my recollection that he had turned over monies to me to be held until their proper discretion was realized. I still don't know their proper discretion and I did not recall it until after my prior testimony that I had them on hand. It didn't come up at the time.

Q. What were those monies?

A. Well, it was money that he turned over to me, an envelope sir, and said to hold until their proper discretion was realized. I am not certain as to the amount or anything [fol. 1799] along that line, sir. He mentioned—he did mention something about automobiles and he said to hold it until such a time as—well, they could find out where the money belonged. That is all I know.

Q. Did he turn those envelopes over to you?

A. Yes sir.

Q. Were they sealed?

A. Yes sir.

Q. Do you still have them?

A. Yes sir.

Q. Where are they?

A. They are in the safety deposit box at the Teamsters Building.

Q. Do you have access to them?

A. Yes sir.

Q. What dates were these turned over to you?

A. Well, I have been trying to recall. As best as I can recall, the first one was—well, it was prior to my taking over the Joint Council books. It was sometime in the latter part of 1954, I believe, sir.

Q. When was the next one?

A. Well, it is very difficult for me to put definite dates on it. I believe, it was sometime in '55, I couldn't give you definite dates, sir.

Q. How many were there altogether?

A. Well, there were—there are two envelopes that were given to me three different times.

Q. Two envelopes given three different times?

A. What I mean, I brought one envelope back and he put something else in it and I put it back in there. That is [fol. 1800] all I know.

Q. Which envelope was it you brought back, the first or the second one?

A. The first one.

Q. The one you got in the fall of '54?

A. Yes sir.

Q. What did you take it back for?

A. Well, he said he wanted to put some more in it, that is all.

Q. What did he say that was for?

A. Well, as I say, I believe he mentioned automobiles the first time, but after that I don't recall.

Q. How long after you got the first envelope did you take it back to him to put some more in it?

A. Sir, I could not say definitely.

Q. Was it a year or less than a year?

A. I would say it was—well, approximately a year. I mean, that is a little difficult to—

Q. When did you get the second envelope?

A. Sir, I cannot pin it down to a date. I am sorry.

Q. Could you pin it down to the year you got it. Was it '55 or '54?

A. I would say it was in '55 sometime.

Q. Did you get any envelope in '56?

A. I may have, sir, I can't definitely pin it to dates, no.

Q. Is it usual or unusual for you to receive envelopes like that from Mr. Beck or others?

A. Quite usual, sir.

Q. It is usual?

[fol. 1801] A. Yes sir.

Q. What other instances has he done that?

A. Well, sir, I can't pin it down to instances, but it has happened quite frequently.

Q. What is the occasion that prompts such action? Why does he do it?

A. He just asks me to hold it for him, sir, that is all I know.

Q. Does he pick it up later?

A. Generally, yes.

Q. Well, what happens when he doesn't pick it up, the other times?

A. I just hold it, sir.

Q. How many of those envelopes are you holding now?

A. There are two in the box, I believe.

Q. Is that all?

A. Yes.

Q. Well, if this has happened a number of times then you haven't held any of the other envelopes, he has picked them up, has he?

A. Yes.

Q. Have you ever done anything with the monies in the other envelopes you have held?

A. No sir.

Q. You never paid them to anyone?

A. No sir.

Q. Did he ever instruct you to pay them to anyone?

A. No sir.

Q. When did it occur to you that you had received these envelopes after you testified here?

[fol. 1802] A. Well, when I was contacted by Mr. Beck and he asked me if I still had those envelopes on hand, sir.

Q. When did Mr. Beck contact you in that regard?

A. Well, I believe it was the same day I had testified, sir.

Q. Did you tell him what you testified to here?

A. No sir.

Q. What was the conversation between you and Mr. Beck at that time?

A. All he asked if I still had that money on hand for the cars.

Q. What did you tell him?

A. I said I did.

Q. Did he ask you where it was?

A. No, he just asked me if I had it in the box down there. Well, he knew where it was. I don't think he need ask.

Q. He knew where it was?

A. I presume he did, yes.

Q. Why would he know where it was?

A. Well, because he is the one that told me what to do with it.

Q. What did he tell you to do with it?

A. To put it in the box down there, sir, and hold it.

Q. What box?

A. The box at the Teamsters Union.

Q. What box is that?

A. It is in the vault outside my office.

Q. Who has access to that vault?

A. Myself.

Q. You are the only one?

A. Myself and the girls within the office. However, I am [fol. 1803] the only one that has access to this particular box.

Q. Is this a box within the vault?

A. It is a box within the time—within the vault within a time safe. I mean, there is a box within there.

Q. There is a vault and is this a walk-in vault?

A. There is a walk-in vault.

Q. Is that on a combination or time?

A. That is on a combination.

Q. Then you walk into this vault and then is there another vault inside of that?

A. There is a time box.

Q. A time box?

A. Yes, it is a safe. It can be set for a definite period of time.

Q. Who knows the combination of that?

A. Myself and the girl in my office. *

Q. Those are the only ones that know the combination of that?

A. Of the inner—yes sir, yes sir.

Q. Are those envelopes within that box?

A. Within a deposit box within that box, yes.

Q. Is that deposit box locked?

A. Yes sir.

Q. With a key?

A. Yes sir.

Q. Do you have the key to that?

A. Yes sir.

Q. Could you get into that box now if you went up there?

A. Yes sir.

Q. And the time lock is open?

[fol. 1804] A. Yes sir.

Q. If you went there those envelopes would be there?

A. Yes sir.

Q. Do those envelopes have any writing on them?

A. Yes.

Q. What does it say?

A. I don't rightfully recall. I think—well, I would—I am not certain, sir, I would have to look to see.

Q. When was the last time you looked at those envelopes?

A. The last time was after I had talked with Mr. Beck, or after he called me.

Q. What was your answer?

A. It was after Mr. Beck had called me and asked me if the money was still there. I wanted to ascertain definitely that it was.

Q. After he asked you that did you go into the box to determine whether the money was still there?

A. Yes sir.

Q. Was it there?

A. Yes sir.

Q. Did you look in the envelopes?

A. I have looked in them, yes sir.

Q. Did you unseal them?

A. Yes sir.

Q. Then are they unsealed now?

A. Yes. They have been unsealed prior to that, sir.

Q. You said though they were sealed originally?

A. They were.

Q. Did you slip them open or tear them open with your finger?

A. I just tore them open with my finger, yes.

[fol. 1805] Q. Then you looked in to see how much money was there, did you?

A. Yes. I have never counted it in its entirety.

Q. How much money is there?

(A. I really—well, I would say between \$5,000 and \$6,000 or thereabouts.

Q. What is it in? Bills?

A. Bills, yes.

Q. What denomination bills?

A. 20's and 50's, I believe, and 100's.

Q. You don't recall what is written on the envelope?

A. Well, I think Western Conference is written on there and I am not certain, sir, I would have to look again to definitely tell.

Q. Now, would you repeat again, please, just what Mr. Beck told you when he gave you these envelopes which, as I understand, were sealed at the time he gave them to you?

A. Yes sir.

Q. What did he say?

A. Well, it was something to the effect that—as I say, hold these until we can determine the proper discretion and then, as I say, he mentioned something about automobiles, sir, and, as I say, it hasn't entered my mind since that time, I just completely—

Q. (Interposing) Did he tell you, Mr. Verschueren, at that time that he was giving you the money in currency which was the purchase price of a car belonging to either the Joint Council or a car belonging to the Western Conference or a car belonging to the International and he requested you to deposit that money in the proper account? [fol. 1806] A. No sir.

Q. He didn't tell you that?

A. No. Not in so many words. All he said was something about automobiles, sir, that is all I recall about.

Q. Did he tell you to deposit the money in any account?

A. No.

Q. He didn't?

A. No sir.

Q. He told you to hold it?

A. Yes sir, that is why it is still there. I had no idea where it should go so I couldn't very well deposit it.

Q. You are sure of that?

A. Yes sir. To the best of my recollection, yes sir.

Q. Did he give you any money which he said belonged to the Joint Council for the sale of a car, Joint Council 28?

A. Nothing definite along those—along that line ever came up. As I say, that is why I was holding the money, I didn't know where it belonged.

Q. You had completely forgotten about that when you testified here?

A. Yes sir.

By Mr. Lawrence:

Q. When did he give you the last envelope?

A. It was—well, it is very difficult to say. It has been sometime ago.

Q. Estimate as near as you can for us. There were three transactions. when was the last one?

A. Well, I would say early in '56, that is about the best—

Q. Early in '56. Would you say February?

[fol. 1807] A. Well, that is as close as—

Q. (Interposing) Now, Mr. Verschueren, that is only five months ago. February, March, April, May, June and now we are in July—

Mr. Devin: He said '56.

(continuing) That is a year and five months ago. Can you recall what he said to you at that time?

A. Something to the effect of, "Put this with the rest of it."

Q. Rest of what?

A. Well, the balance of the cash that I was holding, sir.

Q. You have held a lot more cash than these three envelopes, you say for him so which would you know to put it with?

A. Well, he just said put it with the other envelopes.

By Mr. Devin:

Q. Mr. Verschueren, I presume you would have no objection to someone going up with you into that vault now and bringing down those envelopes so we can see them?

A. No sir.

Q. But to your own knowledge you have never at any time deposited to the account of Joint Council 28 or Western Conference of Teamsters of International Brotherhood any sums of money received by you from Dave Beck from the sale of a car?

A. No sir.

Q. Now, when you were here before, Mr. Verschueren, you said that if there was any—if any money like that had been paid it would be reflected upon the books of the Joint Council and you went down and examined the books of the Joint Council at that time, did you not?

[fol. 1808] **A.** Yes sir.

Q. At that time you said there were no such entries made.

A. That is correct, sir.

Q. That is still your testimony?

A. Yes.

Q. Now, during that examination, Mr. Verschueren, we were talking quite a bit about cars, were we not?

A. Yes sir.

Q. And when you returned in the afternoon session, and I asked you if you had examined the books and you said: "I did, sir." And I asked you, "Did you find any record of that sale? No, not in the records I examined, no sir. Did you find in the records you examined a record of any sale of a car during that period. No sir. Did you find in the records an entry of any amount approximating \$1850 as a receipt to the Joint Council? No sir. In your opinion, Mr. Verschueren, were the records you examined the complete and total records of the Joint Council 28? Yes sir, for that particular time. There were no other records in which such a transaction might have been entered, is

that correct, that you know of during that period? Well, I can't say definitely that, no sir. It could have been channeled into another fund. I couldn't really say. Well, if it had been channeled into another fund would it have been entered on the books which you looked at? Not necessarily, no. What other books are there? I mean, there is a possibility that it might have gone into the Western Conference, I couldn't say that. Is it possible that any transaction of the Western Conference could have gone into the Joint [fol. 1809] Council books? Yes sir, well now, I can't say that. I didn't examine that. How could it have gotten to the Western Conference if it was a car of the Joint Council? I couldn't determine that, but I am just saying there is that possibility. Have you ever known of an instance where that happened? I have known a title to read improperly, yes sir, whereas it should have been a Joint Council car or vice versa and it was registered improperly. It has occurred in the past, yes. In other words, you have known of instances where property which rightfully belonged to the Joint Council was registered in the name of the Western Conference. Yes sir, through error. But do you know of any instance where property belonging to the Joint Council and registered in the name of the Joint Council was ever sold and the money for the sale of that ended up in the Western Conference. Not for a fact, no sir." Now, Mr. Verschueren, do you recall that testimony?

A. Yes sir.

Q. From this testimony, most of our inquiry was directed at automobile and car transactions.

A. Yes sir.

Q. Well, do you have any explanation that you would like to explain to us now why these unusual transactions, or what appear to be unusual transactions, of these envelopes involving car deals did not occur to you at that time?

A. I have no explanation, no sir, but it certainly did not enter my mind in the slightest degree. I had no recollection at that time of it whatsoever.

[fol. 1810] Q. Well, I would like to ask you, Mr. Verschueren, to go with Mr. Lawrence at this time out to the Teamsters Union and pick up those envelopes and bring

them down. And if there is any question about the protection of you while you are carrying so much money, we will send a policeman along to guard you. Would you do that please?

A. Certainly.

(Witness excused with Mr. Lawrence and recess taken.)

FRED VERSCHUEREN, JR. resumed the witness stand.

By Mr Devin:

Q. Mr. Verschueren, did you go to the vault at the Teamsters Hall?

A. Yes sir.

Q. And bring back the envelopes you spoke of?

A. Yes sir.

Q. Do you have them with you?

A. Yes sir.

Q. Could we see them, please?

A. (Witness hands two envelopes to Mr. Devin.)

Q. Exhibit 76 appears to be a plain envelope with "Stamps" written in red ink on the front of it. It is sealed. Is that the envelope that you said you had broken open or not?

A. Well, I broke both of them open.

Q. This one has been broken open?

A. Yes.

Q. And resealed?

[fol. 1811] A. Yes. This may or may not be the original envelope, I couldn't say to that, either, as far as that is concerned.

Q. Would you have put it in another envelope?

A. I would have, yes.

Q. Do you recall putting another envelope on?

A. Well, sir, over the two years I really couldn't say. I did cash checks out of here at one time or another and then I reimbursed this account, so—

Q. You would use that money for cashing checks?

A. Yes sir, when the bank is closed I would cash checks and then put the cash back in here when I could obtain the cash.

Q. Would you reseal them each time? Reseal the envelopes each time you took cash out?

A. Generally—sometimes I would, yes sir.

Q. Would you put an I.O.U. in there too?

A. I generally put the check.

Q. The check in.

A. When it came time to cash it I would cash it and put the money back in here.

Q. Exhibit 77 appears to be a sealed envelope with the words "Western Conference of Teamsters, 553 Denny Way, Seattle 9, Washington" and written in pencil are the words: "Western Conference of C.S. is that what that says, or just Western Conference?

A. Well, Western Conference or J.C. isn't it?

Q. J.C.

A. Joint Council, I guess that is.

Q. Who wrote that?

[fol. 1812] A. That appears to be Mr. Beck's handwriting.

Q. That appears to be Mr. Beck, Sr.'s?

A. Yes.

Q. Mr. Verschueren, I want to warn you at this time that you are under oath and that what you say here, if found to be false, can be perjury and you could be guilty of perjury for testifying falsely under oath.

A. Yes sir.

Q. You are under oath.

A. Yes sir.

Q. And the penalty for perjury is fifteen years in the penitentiary, it is a felony.

A. Yes sir.

Q. Now, I want to give you every opportunity to state the truth.

A. Yes sir.

Q. You appear to have already changed your testimony from what it was a few minutes ago when you were here before. You said then that you put these envelopes in the box and they remained there and you didn't open them.

A. No sir.

Q. Except for one envelope that you opened and put some more money in that Mr. Beck put some more money in, and then you put it back.

A. No sir, I said they had been opened, I had opened them at a prior time. Now, I believe you will find—

By Mr. Washington:

Q. (Interposing) When he had gone back, when Mr. Beck called he said he opened it after Mr. Beck called him and not since then, that was his testimony.

A. I didn't say I had opened them prior to that.

[fol. 1813] Q. You didn't make that statement though.

A. Yes, I did.

By Mr. Devin:

Q. Let's read your testimony: "What were those monies? Well, it was money that he turned over to me in an envelope, sir, and said to hold until their proper discretion was realized. I am not certain as to the amount or anything along that line, sir. He mentioned—he did mention something about automobiles and he said to hold it until such a time as—well, they could find out where the money belonged. That is all I know. Did he turn that—those envelopes over to you? Yes sir. Were they sealed? Yes sir. Do you still have them? Yes sir. Where are they? They are in the safety deposit box at the Teamsters Building. Do you have access to them? Yes sir. What dates were these turned over to you? Well, I have been trying to recall as best as I can recall the first one was—well, it was prior to my taking over the Joint Council books. It was sometime in the latter part of 1954, I believe, sir. When was the next one? Well, it is very difficult for me to put definite dates on it. I believe it was sometime in '55, I couldn't give you definite dates, sir. How many were there altogether? Well, there were—there are two envelopes that were given to me three different times. Two envelopes three different times? What I mean, I brought one envelope back and he put something else in it and I put it back in there. That is all I know. Which envelope was it you brought back, the first or the second one? The first one. The one you got [fol. 1814] in the fall of '54? Yes sir. What did you take it back for? Well, he said he wanted to put some more in it, that's all. What did he say that was for? Well, as I say, I

believe he mentioned automobiles the first time, but after that I don't recall. How long after you got the first envelope did you take it back to him to put some more in it? Sir, I could not say definitely. Was it a year or less than a year? I would say it was—well, approximately a year. I mean, that is a little difficult to—. When did you get the second envelope? Sir, I cannot pin it down to the year. I am sorry. Could you pin it down to the year? Was it '55 or '54? I would say it was in '55 sometime. Did you get any envelope in '56? I may have, sir. I can't definitely pin it down to dates, no. Is it usual or unusual for you to receive envelopes like that from Mr. Beck or others? Quite usual, sir. It is usual? Yes sir. What other instances has he done that? Well, sir, I can't pin it down to instances, but it has happened quite frequently. What is the occasion that prompts such action? Why does he do it? He just asks me to hold it for him, sir, that is all I know. Does he pick it up later? Generally, yes. What happens when he doesn't pick it up, the other times? I just hold it, sir. How many of these envelopes are you holding now? There are two in the box, I believe. Is that all? Yes. Well, if this has happened a number of times then you haven't held any of the other envelopes, he has picked them up, has he? Yes. Have you ever done anything with the monies in the other envelopes you have held? No sir. You never paid them [fol. 1815] to anyone? No sir. Did he ever instruct you to pay them to anyone? No sir. When did it occur to you that you had received these envelopes after you testified here? Well, when I was contacted by Mr. Beck and he asked me if I still had those envelopes on hand, sir. When did Mr. Beck contact you in that regard? Well, I believe it was the same day I testified, sir. Did you tell him what you testified to here? No sir. What was the conversation between you and Mr. Beck at that time? All he asked if I still had that money on hand for the cars. What did you tell him? I said I did. Did he ask you where it was? No, he just asked me if I had it in the box down there." I will skip some and try to get down to the matter we are interested in. "After he asked you that did you go into the box to determine whether the money was still there? Yes sir. Was it there? Yes sir. Did you look in the envelopes? Yes, I have

looked in them, yes sir. Did you unseal them? Yes sir. They are unsealed now? Yes. They have been unsealed prior to that, sir. You said though they were sealed originally? They were. Did you slip them open or tear them open with your finger? I just tore them open with my finger, yes. Then you looked in to see how much money was there, did you? Yes. I have never counted it in its entirety. How much money is there? I really—well, I would say between \$5,000 and \$6,000 or thereabouts. What is it in, bills? Bills, yes. What denomination bills? 20's and 50's, I believe, and 100's. You don't recall what is written on the envelope? [fol. 1816] Well, I think Western Conference is written on there and I am not certain, sir, I would have to look again to definitely tell. Would you repeat again, please, just what Mr. Beck told you when he gave you these envelopes which as I understand were sealed at the time he gave them to you. Yes sir. What did he say? Well, it was something to the effect that—as I say, hold these until we can determine the proper discretion" and so forth.

A. You asked me in there if they were unsealed when I went into the box and I said yes they had been unsealed prior to that time.

Q. You said they are unsealed now. They are not, are they?

A. Pardon?

Q. My question to you a little while ago was, "Did you unseal them?" and you said, "Yes sir". My question was "They are unsealed now?" and you said, "Yes, they have been unsealed prior to that."

A. Yes sir.

Q. I said, "They were sealed originally?" Answer: "They were." Then I asked you, "Did you slip them open or tear them with your finger? I just tore them open with my finger." You tore these two open with your finger?

A. Slipped my finger along them, yes sir, and then resealed them again.

Q. Then you resealed them?

A. Yes.

Q. Did you have glue there you resealed them with?

A. No, just re-licked them, sir.

Q. When did you do that? When did you resealed them?

[fol. 1817] A. Well, that very day.

Q. What?

A. That same—the same day I opened them. I didn't realize they were resealed as well as they were because I did slip them open, so to speak, with my finger.

Q. I think you said, as I recall that you opened one of them, the first one you got from him, to put in more money.

A. Yes sir.

Q. Do you recall which envelope that was?

A. That is that one (indicating).

Q. That is Exhibit 77 that has the wording Western Conference. Now, you opened that at the time that he told you to bring it back to him that he wanted to put some more money in it, is that true?

A. Well, I don't rightfully recall if I opened it or if he did, sir.

Q. Did this occur at your office, at the office of the Joint Council?

A. No, it occurred at his office.

Q. Where is his office?

A. His office is at the Teamsters.

Q. Where is it in relation to this safety deposit box?

A. It is down the hall and upstairs. I would say 150 to 200 feet, something like that.

Q. Did he ask you to bring the envelope back to him?

A. Yes.

Q. Will you just state in your own words, Mr. Verschueren, how this came about? What did he say to you and what did you reply and what did you do in reference to this [fol. 1818] second time that he gave you money?

A. Well, to the best of my recollection he called me and asked for the envelope.

Q. On the phone?

A. I believe so, either that or someone came in or he may have come into the office, I don't recall, sir, but—and I definitely don't recall whether I opened the envelope or whether he did.

Q. He called and said what?

A. That he wanted the envelope, I believe, or words to that effect.

Q. For what purpose?

A. Well, he didn't say at that time.

Q. He didn't say what he wanted it for. Did you take him the envelope?

A. I am not certain whether I took him the envelope or whether he came in, sir. I am really not absolutely certain.

Q. Then what happened?

A. Well, one or the other of us opened it and he put some money in it.

Q. Did you know how much he put in?

A. No sir.

Q. What did he say to you at that time?

A. Just, "Put this back where it was" or words to that effect.

Q. That is all he said?

A. Whether he just handed it back to me, I wouldn't know.

Q. Did he say what it was for?

A. As I said before, I don't think it was mentioned the [fol. 1819] second time.

Q. At that time you tore the envelope open with your finger, did you?

A. Either he or I did, I don't remember.

Q. You put the money in and resealed it.

A. He put the—

Q. He put the money in.

A. Yes.

Q. And you resealed it, or did he reseat it?

A. I am not too positive on that, sir.

Q. Had that ever occurred before? Had he ever, with these other envelopes which he gave to you to keep for him, had he ever opened one of them and put other money in?

A. Yes, yes, I believe he did.

Q. When did that happen?

A. Oh, over the years. Quite a few times.

Q. What was the purpose of that money?

A. Well, that was his own, to my knowledge. I was just putting it in safekeeping for him.

Q. Why would he put it in safekeeping, do you know?

A. No sir.

Q. Did he ever tell you what it was for?

A. No sir.

Q. How often would that happen, Mr. Verschueren?

A. Oh, I have no way of definitely recalling that; innumerable times.

Q. Innumerable times?

A. Yes sir.

Q. Now, Mr. Beck would come in and give you an envelope with money in it and tell you to put it in your safety deposit box?

[fol. 1820] A. Yes.

Q. Is that right?

A. Yes.

Q. He wouldn't tell you what it was for?

A. Just tell me to hold it.

Q. Just tell you to hold it.

A. Uh huh.

Q. Is that what he told you in these two cases?

A. Yes sir.

Q. He told you to hold it?

A. Yes, except he did, as I say, mention something about automobiles originally.

Q. How long would you usually hold that money?

A. Various periods of time, sir; sometimes a year, sometimes less, not over a year.

Q. Never over a year?

A. (No response.)

Q. This is the only instance in which you have held money like that for three years almost, from 1954?

A. I would say so, yes.

Q. Now, you stated a moment ago that you used this money from time to time to cash checks with?

A. Yes sir.

Q. What would you do, would you unseal the envelope each time and then re-seal it?

A. Not always. I don't imagine if I had checks in there I wouldn't re-seal it again until I pulled the checks out and put cash back in.

Q. How many times would you say you did that, cashed checks out of this fund?

[fol. 1821] A. I have no idea, sir. Quite a few times.

Q. Fifty?

A. Well, possibly.

Q. Each time you would cash a check you would put the

check in there and then how would you get the money back in there?

A. I would obtain the cash from—when the bank opened or when we had sufficient in receipts and put it back in there and then deposit the checks.

Q. You would take the check out and go and cash it and redeposit the money?

A. Yes.

Q. Were these checks ever in odd denominations, that is, dollars and cents?

A. Yes.

Q. Would you put the change back in there?

A. Not necessarily, no.

Q. Was there any change in there when you got it?

A. No, no there wasn't.

Q. Would you ever put change in there then?

A. No.

Q. You would only cash it in bills?

A. Yes sir.

Q. Well, suppose the check was for \$10.50 what would you take out, a \$10.00 bill?

A. Yes.

Q. Then what happened to the fifty cents?

A. I would obtain the fifty cents from the office fund. That would only be in cases whereas the bank was closed and I didn't have sufficient cash to cash it, the members [fol. 1822] or individual's check, and it would be necessary to rely on this fund.

Q. What was your job down there at that time, book-keeper?

A. Yes sir.

Q. Was it your duty to cash checks?

A. Yes sir.

Q. How much money did the Joint Council 28 usually carry on hand to cash checks with?

A. At that time—oh, we had a \$400, I believe office fund, petty cash fund.

Q. The times you would cash checks would be when you would use up all that \$400?

A. Oh yes sir, it would be completely in checks, yes.

Q. Then you would cash them out of these funds?

A. Yes sir.

Q. Would you seal the envelope? You said you wouldn't always seal it.

A. Not always.

Q. Do you know how you happened to seal it the last time?

A. No.

Q. Did I understand you to say you had done that innumerable times, cashed checks out of these envelopes?

A. Yes sir.

Q. How did Mr. Beck happen to tell you about this? How did he happen to remind you of it?

A. I don't know sir.

Q. When did he remind you of it, as soon as you left here the last time you testified?

A. Shortly thereafter, yes sir.

Q. Mr. Verschueren, when he told you about this and refreshed your recollection, as you said, why didn't you call [fol. 1823] us and say that you wanted to change your testimony?

A. Sir, I contacted a lawyer and asked if he thought I should file an affidavit and he said no it would be far better if I came back here and re-testified and I was planning on doing so, either later on in the week or the first part of next week.

Q. You testified more than a week ago, wasn't it, June 20th?

A. Yes sir.

Q. June 20th. That is three weeks ago and you found it out right after that, yet you have said nothing to anyone about it, none of us anyhow?

A. No sir, as I say, I wanted to find out what the proper thing to do would be and I have been very busy this month and will be for the balance to the 15th, and I wanted to put it off.

Q. Is McGovern your attorney?

A. He has been acting as such.

Q. Was he the one that you called?

A. Yes sir.

Q. When did you call him?

A. Well, let's see, I believe it was about a week and a half ago.

Q. When?

A. Approximately a week and a half ago. I am not certain when I talked to him.

Q. How long after you learned of these deposits from Dave Beck did you call McGovern?

A. Approximately that time, sir. I didn't know exactly what to do to begin with.

Q. Did Mr. McGovern then advise you not to do anything?

[fol. 1824] A. No sir, he did not.

Q. What did he advise you?

A. He advised me I should come back and testify, sir, rather than file an affidavit.

Q. But you haven't called our office, have you, to ask to come back and testify?

A. No sir, I have not.

Q. A week and a half ago would be the latter part of June. How many days after you testified here did you talk to Dave Beck?

A. I believe it was the same day, sir.

Q. That would be the 20th of June. You waited about ten days before you called your attorney?

A. Yes sir, over the week-end, yes sir.

By Mr. Regal:

Q. Mr. Verschueren, Exhibit 76, which I have just now placed in a cellophane envelope so no further marks can be made on the outside of the envelope now. It is placed in a cellophane envelope, is that correct?

A. Yes.

Q. No further marks can be made on the outside of this envelope while it is here.

A. Yes.

Q. This is the envelope you used to cash the checks?

A. I may have used either.

Q. You might have used either. Either this one or Exhibit 77, which is also placed in a cellophane envelope, isn't that correct?

A. Yes sir.

Q. What makes you think you might have used either one?

[fol. 1825] A. Well, I am fairly certain I used either one or both, yes.

Q. Did you cash a check in excess of, say, \$1,000 or \$400 or \$500?

A. \$400 or \$500, possibly \$600.

Q. Never in excess of \$1,000?

A. I don't recall any.

Q. Could I have the box, please.

A. (Witness hands box to Mr. Regal.)

Q. Were these envelopes always in this box?

A. Yes sir.

Q. Are these the original envelopes you first used at the beginning of the thing?

A. I am not certain.

Q. Have you changed envelopes?

A. I may have, yes. I am not certain.

Q. When would you have changed them?

A. Oh, sometime during the cashing of the checks, one envelope happened to wear out or something, I would change it.

Q. When did you change it last, would you think? Within the last few months?

A. Possibly, yes sir.

Q. Did you write Western Conference and Joint Council or whatever it says on that, is that your handwriting?

A. No.

Q. Do you know whose it is?

A. It resembles Mr. Beck's.

Q. Do you know when he wrote that on there?

A. No sir.

[fol. 1826] Q. If you changed envelopes Mr. Beck was there at the time?

A. No, not necessarily.

Q. Did he write on it after you had changed envelopes and he came in—

A. I didn't say I had changed envelopes, sir. I say I may have.

Q. If Mr. Beck's signature is on there, this could be the original envelope?

A. Could be.

Q. Could you say this is the original or would Mr. Beck sit down and write Western Conference on this after he had already turned the money over to you. Would he have done that, a man in his position as President of the International, would he say, "Let me write on the envelope." Did he do that?

A. Not to my knowledge.

Q. He gave you an envelope with Western Conference and Joint Council on it.

A. Yes.

Q. This is the envelope, isn't it?

A. I believe it is.

Q. These smears that are made on here, they appear like they have been made purposely to make it look old, isn't that true. Take a good look at the smears, they go down very definite.

A. I wouldn't say so.

Q. You wouldn't say so. The F. B. I. may have a different version. You understand they can determine that, don't you?

[fol. 1827] **A.** Yes.

Q. You know that. Do you want to tell us when he signed this? You still say he signed this in October of '54 when he gave it to you? Do you want to change your testimony or not?

A. I don't care to change my testimony. He must have signed it.

Q. We want to know the truth.

A. I am telling you the truth, Mr. Regal.

Q. All right. Mr. Devin asked you about these envelopes. He told you about the penalty for perjury. You are the person that is on the stand, you are the person under oath down here, do you understand that?

A. Yes sir.

Q. We are concerned with one thing and one thing only, the truth.

A. Yes sir.

Q. Now, Mr. Beck gave you this envelope in October, 1954, is that your testimony?

A. Either that one or the other one, sir.

Q. This is Mr. Beck's handwriting, is it not?

A. Yes.

Q. He handed you this envelope with his handwriting on it at one time and one time only, isn't that true?

A. Yes, but it is not necessarily the one he handed me in October of '54.

Q. I thought you testified to Mr. Devin it was the first envelope that had Western Conference on it, the other envelope, other material he gave you at a different time. You testified the first envelope he gave you had Western Conference and Joint Council on it.

[fol. 1828] A. I believe so.

Q. That is the one he gave you October of '54, isn't that correct?

A. Well, you are confusing me now.

Q. I am not trying to confuse you, sir. I want you to tell the truth.

A. I am telling the truth.

Q. There is no reason for you to go to the penitentiary for somebody else.

A. I am not even thinking about that, sir.

Q. Well, I am thinking about that, sir.

A. I am telling you the truth so far as I know it.

Q. Let us know the truth, if you will. This is the envelope you got in October of '54 (indicating).

A. I believe that is the one, yes sir.

Q. That is your testimony.

A. To the best of my recollection, yes sir.

Q. This envelope (indicating) you got at another time. What was the date on that, please?

A. I am not even certain that is the same envelope.

Q. Who wrote "Stamps".

A. I have no idea.

Q. Is that your handwriting?

A. No.

Q. Is that the handwriting of a secretary in your office? We are referring to Exhibit 76.

A. Well, I do not recognize it at all, sir.

Q. It is very legible handwriting, however.

✓ A. Yes.

Q. It is written in red ink and says "Stamps" and is [fol. 1829] underlined three times, is that correct?

A. Yes.

Q. This is the box (indicating) these envelopes were placed in?

A. Yes sir.

Q. When you got the envelopes you placed them in the box in this fashion (indicating) and you took this one (indicating) and of course we are using it in the cellophane bag all the time, and put it in in that fashion (indicating).

A. Yes.

Q. Do you know how much is in the top envelope, the second one?

A. No.

Q. You put it away into a special place in the vault?

A. Yes sir.

Q. You are the only one that has a key to it?

A. Yes sir.

Q. The secretary doesn't have a key to it?

A. No.

Q. This is your private vault for keeping money.

A. Yes sir.

Q. For whom?

A. It is a vault within—or it is a time safe within the vault at the Teamsters' Building.

Q. You have a large vault everybody uses and then you have a time safe?

A. Inside.

Q. In the time safe, although other people can get in it, there is this locked box?

A. Yes.

[fol. 1830] Q. This box goes in a little slot?

A. Safe deposit—

Q. With a door on it?

A. Yes.

Q. And you use this for Mr. Beck's money?

A. Not necessarily, no.

Q. Have you used it for other people's money?

A. I have used it for the organization's money when there was too much on hand and we did not have time to get in the bank before 3 o'clock, we would put it in a box.

Q. Do you get cash from your depositors, from the people that pay the dues?

A. Yes sir.

Q. You get cash from the various locals, you don't get checks?

A. Both, sir.

Q. You do get cash?

A. Yes sir.

Q. You keep all the cash you get in this box?

A. No sir.

Q. Where do you keep the cash?

A. We have various inner compartments, such as that.

Q. In this safe?

A. Yes sir.

Q. Are you the only one that has the key to those?

A. Yes sir.

Q. Then you are apparently the keeper of the cash.

A. So to speak.

Q. There have been times when you wanted to cash a [fol. 1831] check for somebody and there hasn't been enough cash on hand in other boxes, so you go into Mr. Beck's box and get the cash.

A. Not Mr. Beck's box.

Q. He gave you the cash and told you to keep it for him.

A. Yes sir.

Q. You didn't know where it was supposed to go.

A. No sir.

Q. Mr. Beck was the only one authorized to take it, wasn't he?

A. Yes sir.

Q. No one else could come in and demand that money, could they?

A. No sir.

Q. Why did you use his money to cash checks? Did he give you authority to use it to cash checks?

A. No sir. I am sure that he would not have cared.

Q. Whom did you cash checks for? Name one person or two or three if you can. And tell us the approximate times?

A. Various members, sir.

Q. Members of what?

A. Locals in the building.

Q. The officers?

A. No sir. Well, possibly some of the officers.

Q. They were being paid by the International or paid by the Western Conference or Joint Council?

A. Yes sir.

Q. Who were they? When did they come in?

A. Oh, sir, honestly, I cashed so many checks through our office I could not definitely sit down and enumerate any [fol. 1832] one individual.

Q. Mr. Verschueren, do you want us to believe you had this money in this box in this fashion (indicating) with this envelope on top (indicating) Exhibit 77, with "Stamps" written on the outside of it, in this box, Exhibit 78, in a private compartment. This money was put in there at Mr. Beck's request.

A. Yes sir.

Q. That is right. You took these envelopes out and you cashed checks from them?

A. Yes sir.

Q. How much money is in No. 77 that envelope (indicating)?

A. I couldn't tell you.

Q. Approximately how much. You told us before how much was in both. How much is in this one (indicating)?

A. Well, there must be around \$2,000 or \$3,000.

Q. \$2,000 or \$3,000. What would possibly make you take this envelope (indicating) and lay it aside and take this one (indicating). Isn't it possible you cashed checks only with this one (indicating)?

A. No sir, it isn't. There is also the definite possibility we could not get a payroll signed or something along that line, and therefore in order to make payroll I would have to tap that fairly heavy.

Q. You used Mr. Beck's money?

A. Yes sir.

Q. To what extent?

A. I couldn't say.

Q. You would put payroll slips in here and I. O. U.'s and things of that nature?

[fol. 1833] A. I have, yes.

Q. To how much? How much money at one time?

A. I couldn't say. I know it went over one envelope.

Q. It went over one. Did it ever go over both?

A. No.

Q. How many times did you go into 76, this envelope (indicating) Mr. Beck gave you in October, 1954?

A. I could not say, sir.

Q. Was it more than once, do you think?

A. Yes.

Q. Do you recall the situation?

A. I believe that was the situation, we couldn't get a payroll out.

Q. What was that situation?

A. We couldn't get a payroll signed.

Q. Why not?

A. The individuals were not available.

Q. What individuals, sir?

A. Well, some of the individuals with certain organizations.

Q. What organizations? What individuals? This is—this must be something that is pretty important when you have to take out \$4,000 or \$5,000 in cash to pay them. Whom did you pay? What individuals are you talking about that couldn't get the payroll out?

A. Well, we couldn't get signed checks is what I am talking about.

Q. What checks are you talking about?

A. Joint Council or Western Conference, it could be.

Q. It could be most anything. What checks were they?

A. I couldn't definitely say. I know it has occurred.

[fol. 1834] Q. How many different times did it occur?

A. Oh, possibly once or twice.

Q. Once or twice you had gone from the first envelope, No. 76 to the second one, No. 77 and dip into this cash, is that right?

A. I could have taken from either, sir. I definitely could not say.

Q. Did you ever take all the money from both?

A. No.

Q. You never did?

A. Not to my recollection.

Q. You have been into both envelopes at least once?

A. Yes.

Q. And maybe twice?

A. Yes.

Q. Maybe three times?

A. Very possible.

Q. Maybe ten times?

A. Maybe many times more, yee.

Q. You have no recollection of that at all?

A. As to how many times?

Q. Yes.

A. No, not definitely.

Q. This is very vague, the whole handling of this thing to you?

A. Not—

Q. I mean, the fact cash is in these envelopes is very vague to you. You don't know how much money and you don't know how many times you have been in them, do you? [fol. 1835] A. I certainly wouldn't count the number of times I had been into it.

Q. You couldn't count, but you would have a general idea how many times you had gone into a box in which you were keeping funds for Dave Beck, would you not. You never had authority to go in here, did you?

A. As I say, I certainly—I know Mr. Beck wouldn't have questioned my authority.

Q. You just assume he wouldn't. He gave you the money. You didn't know what it was for, and didn't know whether it was his personal account he wanted you to keep for him so he could have money to travel or what, did you?

A. As I say, he only mentioned one time I was to hold that.

Q. Mentioned what?

A. Concerning the automobiles, that is all.

Q. What automobiles?

A. Well, the automobiles that have been sold, that is all.

Q. Did he say that?

A. He mentioned something about automobiles, that is all, the first time.

Q. Why did he say automobiles that could have been sold or were sold. Is that something you derive from our hearing here?

A. No, the only thing—

Q. What did he say?

A. Originally, as I said, Mr. Regal, he gave me this first envelope, whichever one it is, which one you have determined, I suppose—

[fol. 1836] Q. I haven't. You said it was Mr. Beck's handwriting. You said he wrote on the first one he gave you in October, 1954.

A. Yes.

Q. This is it then, No. 77.

A. If that is the same envelope, yes.

Q. Well, you said it was. Apparently it is as far as you know?

A. So far as I know, yes.

Q. He never came in and opened this box when you weren't there, did he?

A. No.

Q. Did he at any time come in and take another envelope and sign it in this fashion while you were there and handling this money for him?

A. No. I may not have been present when he opened the envelope, I don't recall that.

Q. You did give him the envelope at various times to open?

A. No, only the once when he said he wanted to put something else in it.

Q. Didn't you stay right there with him when you handed him an envelope filled with hundred dollar bills and \$2,000 or \$3,000?

A. Well, as you say, it is his money, I mean, I presume it is his money. It is not my prerogative to stay there and definitely watch what he was doing.

Q. You presumed it was his too, at the time, if you didn't stay there and watch him?

A. I had no idea, sir.

Q. Where did you go when you handed him the envelope?

[fol. 1837] How long did it take him to put this money in?

A. That I don't recall.

Q. Where did it take place?

A. In his office, I believe.

Q. Did he call you to his office?

A. I believe so.

Q. Did he ask you to bring the envelopes?

A. The envelope, yes.

Q. Just the one envelope?

A. Yes.

Q. Weren't there two envelopes at the time?

A. Not at that time, I don't believe.

Q. I thought you testified before there were two envelopes. He gave you one in October, one in September of '55 and the third time he merely put the money in the third envelope?

A. No, it was the second time, I believe, he put the money in the same envelope.

Q. If you testified otherwise the first time, this is the correct testimony now. It is the second time he brought money—put money in the envelope that was already there, is that correct?

A. Yes, I believe that is correct.

Q. Well, is that what happened?

A. To the best of my recollection, yes sir.

Q. He put it in this envelope then, this Exhibit 77?

A. Yes sir.

Q. When he did that he called you to his office?

A. As I recall, yes sir.

Q. What did he say to you when he called you to his office?
[fol. 1838] A. Sir, I have no recollection.

Q. Did he say, "Bring the envelope, bring the box or come up here and talk to me." What did he say. He must have said something about envelopes.

A. He definitely must have, but I don't recall his very words.

Q. I am not asking for the very words, give us the gist of it.

A. It must have been something about bring up the envelope you are holding. That is all I can remember.

Q. How many times did you put money into this Exhibit 77 or did he put money into it, as far as you know?

A. Only twice.

Q. Did you ever put money into it?

A. Only when I cashed checks.

Q. You cashed checks from the envelope and then replaced the money?

A. Yes.

Q. Did you replace the same denominations that were originally put in?

A. Not always, no.

Q. The same amount?

A. Oh yes.

Q. If there were checks in any odd pennies or any odd amounts you would pay it out of your petty cash?

A. Yes, and put the proper amount back in there.

Q. Would you put a slip in there at the time?

A. Yes, if the check wasn't—

Q. Was this a usual thing you did quite a bit all the time because you run short of cash at the office?

[fol. 1839] A. It wasn't unusual.

Q. How long would it be before you would replace this? A couple of weeks or so?

A. That, probably, at the outset.

Q. Was that a regular procedure of yours then every month when the bills were all paid to go back into this cash box and replace all of the money?

A. No, no it wasn't.

Q. When did you do it?

A. Well, whenever I happened to think about it.

Q. Are there any—in here right now—any checks or I.O.U.'s?

A. No.

Q. How do you know? It is sealed.

A. Because I checked it the day after I testified here.

Q. When was the last time you used any of this money for cashing checks?

A. That was just prior to then, I believe, or thereabouts, I am not sure.

Q. What other money is in these boxes in the safe out there?

A. The regular receipts as they turn over and are deposited.

Q. Are they reflected on the books of the union?

A. Yes sir.

Q. Of the Joint Council. It is your job to put them on the books?

A. Yes.

Q. When Mr. Beck gave you this money and told you to keep it for him, you assumed it was his money because you didn't put it on the books, didn't endeavor to count it or do anything of that nature with it.

A. No.

[fol. 1840] Q. You just kept it for him. He had trust in you and you put the money in a safe place and kept it for him?

A. Yes.

Q. Then you assumed he wouldn't object if you cashed checks from it, from his money?

A. That is correct.

Q. Because you knew the checks were good, or did you?

A. Knew the what?

Q. The checks were good. They weren't bad checks. You have heard of bad checks?

A. I knew the checks were good.

Q. What kind of checks were they?

A. Payroll checks, mostly members.

Q. Western Conference and Joint Council?

A. Well, in various funds and concerns. As I say, payroll checks. An individual would come in and we didn't have sufficient cash.

Q. Didn't you take care of your payroll by check?

A. Definitely.

Q. Do you make a practice to cash the checks after you issue them, payroll checks?

A. No, as I say, there were instances when it was impossible to obtain signatures.

Q. Can you recall, after the numerous times that you have been into this box here to get the money, the name of two or three people that you have cashed checks for and their position in the union?

A. It could be any number, yes.

Q. Give us any number then. Tell us who they are so we can have them down here and ask them whether they have ever cashed a check with you and maybe they will [fol. 1841] remember. I know you have a good memory on the dates of these three things.

A. Russ Gallagher.

Q. Who is he?

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A. He is with the Cannery Council. I mean, I could practically name everybody in the building.

Q. Name those that probably cashed checks or did cash checks with you that you know of?

A. Well, my own father and—well, as I say, you could name almost anyone in the building that I have cashed checks for them at one time or—

Q. All these checks you are talking about now, your own father, Russ Gallagher and others, that you will name as soon as you think of them, you cashed out of this money here (indicating) this money belonging to Mr. Beck or money you were keeping for Mr. Beck?

A. Well, no, I can't definitely say that, sir. No, I have cashed possibly a complete payroll out of there at one time.

Q. You testified now that Mr. Beck gave you this money on—in October of '54. When was the first time you were called upon to use it?

A. I couldn't venture to say, sir.

Q. How is it you remember so specifically October of '54, September of '55 and January of '56 that you got this money, or thereabouts. Why is it you can remember that and still can't remember the first time you had—

A. Sir, I didn't remember definite dates. I approximated it. I mean, all I would be able to do on this is approximate when I might have gone in there. It might have been the middle of '55 or it might have been sometime [fol. 1842] in '56. I don't recall. If you do it innumerable times you don't recall the first and last times.

Q. Give us the names of the people now, if you will please, who have cashed checks and to the best of your recollection that you had to use this money for.

A. I mean, that is going to be quite a job to do that.

Q. You cannot do it?

A. I could, with a little time.

Q. All right. Take the time.

A. Well, over the period I cashed one for Dave himself out of there.

Q. Who?

A. Dave Beck himself. I may have cashed one for—well, I am fairly certain I did for B. I. Bowen.

By Mr. Carroll:

Q. Is he out there now?

A. Yes.

Q. Is Russ Gallagher out there now?

A. Yes sir.

By Mr. Regal:

Q. Right now. B. I. Bowen is out at the union hall right now?

A. That I couldn't say, sir.

By Mr. Carroll:

Q. Go ahead, take your time.

A. Well, we may—as I say, we had to cash a complete payroll of 174 out of there when it was impossible to obtain a signature at one time or another, so that would cover quite a—

Q. What did you say. I didn't hear you?

[fol. 1843] A. I say, we had to cash a complete payroll of 174 out of there.

Q. When was that? That was an extraordinary circumstance wasn't it?

A. Yes sir.

Q. When was it, please?

A. Well, I think that was sometime in '56. It is not an extraordinary circumstance, as I say, it is quite possible that it is impossible to obtain signatures.

Q. Give me some more names. You have given me two and you have been talking about it for ten minutes.

A. As I say, to pin me down to names—

Q. I am not pinning you down. You said you did it. You have pinned yourself down.

By Mr. Regal:

Q. You said innumerable times.

By Mr. Carroll:

Q. Eight or ten times at least, you said. You said at least eight or ten times. You pinned yourself down.

A. Yes, but to give you the names of the individuals—

Q. You had to take a check from them. They stood right in front of you and handed you a check and you handed them the currency. Didn't it make an impression on you as to who it was?

A. When you cash possibly a thousand checks a month or more—

Q. When you got into the vault eight or ten times in a period of three years it is a little different than cashing thousands of checks.

A. There's not too much difference, you have to go quite often.

[fol. 1844] Q. You said yourself it was unusual, that is the word you used, "unusual". Doesn't an unusual thing impress itself on your mind. Give us the names and I want the names of the people you took the I.O.U.'s from.

A. Mr. Carroll, Mr. Regal said that. Was this an unusual thing. I said it wasn't unusual.

Q. Give us the names of the persons you took the I.O.U.'s from.

A. The I.O.U.'s?

Q. Yes, you said you cashed some I.O.U.'s.

A. I would put a I.O.U. in there and cash the check from it. I would put my own I.O.U. in there.

Q. For whom?

A. To cash checks.

Q. For whom? You must have put their name on the I.O.U. so you would get it back.

A. I would cash their checks, sir, and then when—

Q. Then when you put your own I.O.U. in there you had to put their name on the I.O.U. so you would know who to get it back from, wouldn't you?

A. No, because I had their check.

Q. What are the names of the persons then if you had their check, what is the name of the person?

A. Well, I must have cashed—I know I cashed some for George Cavano.

Q. How many?

A. Innumerable.

Q. You also said you cashed some for Dave Beck, Sr. out of that fund.

A. I believe I must have.

[fol. 1845] Q. Didn't he know then—when you took this check in there didn't he wonder where it came from?

A. The odds are he wasn't even present. He probably sent the check down.

Q. Let's not talk about the odds, but about the facts.

A. He very seldom was present.

Q. Is that your testimony now, he was not present any time when you cashed checks for him.

A. I wouldn't say any time. I would say 99% of the time he wasn't present when I cashed the check.

Q. How many did you cash for him out of this fund that all of a sudden you both discover?

A. Pardon?

Q. How many checks did you cash for Mr. Dave Beck out of these funds?

A. Oh, three or four, possibly.

Q. How many times was he present, actually, when you cashed the check; actually there?

A. I don't recall he ever was, sir. As I say, he generally would either send the check down or else would call me up to his office and have me—

Q. Why would he send a check down to you when he had several thousand dollars in cash? He testified as much as \$10,000 in his safe at his own home. Why would he send a check down to you to cash. Maybe you can answer that.

A. I couldn't say, sir.

Q. Do you want to hazard an answer? It isn't because you are lying, is it?

A. No, sir. I have cashed, many, many checks for Mr. Beck.

[fol. 1846] Q. Mr. Beck would send his personal checks down to you to cash? Mr. Beck sat on that stand and testified he didn't write two checks a year.

A. I said checks made out to him and he would send them down, endorse them.

Q. Isn't there a bank right next door to your place of business?

A. Yes.

Q. But he would send them to you to cash out of some fund in the vault?

A. He wouldn't necessarily know I was cashing them out of that fund. Actually I could have cashed them out of the office generally, but there were some circumstances where I couldn't.

Q. Mr. Beck testified this morning all his checks were channeled through the B & B Investment Company. That is his testimony this morning, that he never bothered with financial matters, his wife took care of the home and all her expenses and everything else went through the B & B and he wrote maybe two checks a year, he wouldn't even say that many. Is your testimony consistent with that, Mr. Verschueren.

A. No.

Q. It isn't very consistent, is it?

A. I am only telling you what is the truth.

Q. You are telling the truth?

A. Yes.

Q. Are you saying Mr. Beck lied to us this morning?

A. No sir, I wouldn't say so.

Q. One of you must be mistaken then, is that correct? [fol. 1847] When did you talk to Mr. Beck last about your testimony here on the stand?

A. I have never talked to him about my testimony on the stand.

Q. Have you talked to him about this money in the vault in the last few days?

A. No sir.

Q. You came in here cold and didn't know what you were going to testify about, is that it?

A. I had a fair idea.

Q. You haven't talked to Mr. Beck, Sr., in the past several days or several weeks?

A. I have talked with him, but not about the money, no sir.

Q. You didn't talk about these envelopes in the safe?

A. No sir, only that one time.

Q. It dovetails pretty well with his testimony, doesn't it, fortunately?

A. I don't know, sir.

Q. Would you assume that—so long as you are assuming so many things on the witness stand.

A. Sir, I am not assuming anything.

Q. Has anybody ever been present when you cashed these checks. When you went in there and got the money?

A. I don't know that anyone—

Q. Think about it.

A. No, I don't believe so.

Q. You went in there all by yourself?

A. Yes.

Q. These people brought the checks to you?

A. Yes, sir, generally.

[fol. 1848] Q. And stood there while you went and got the money, did they?

A. Yes sir.

Q. Did they see where you got the money from?

A. I don't know what they did, sir.

Q. Let's have some more names. Gallagher, Bowen, Cavano and Dave Beck, Sr. Who else?

A. Well, as I say the complete payroll, if you want me to run down—

Q. You have said that for twenty minutes. Why don't you name names instead of saying the complete payroll. We are going to subpoena them in and ask them about it and you are going to sit here until they come down. Give us their names.

A. Nick Matula.

Q. Is he in Seattle now?

A. I believe so, yes.

Q. Who else?

A. Floyd Anderson. Vernice Beck.

Q. Any relation to Dave?

A. Not at all.

Q. These people are all available at the Teamsters Hall?

A. Well, I believe so, yes sir.

Q. Do you have some other names you would like to give us?

A. Those are all a portion of the payroll.

Q. These are persons you have cashed checks for?

A. Yes sir.

Q. And taken the money out of the vault and handed them the money, is that correct?

A. Yes sir.

[fol. 1849] Q. You put I.O.U.'s in there?

A. Yes sir.

Q. Wouldn't you have the check to put in there? Why did you put I.O.U.'s?

A. I could have done either.

Q. What would you do with the check if you put the I.O.U. in there?

A. Cash the check the next day and put the money back in there.

Q. Did you keep the check in your own possession?

A. Yes.

Q. And put the I.O.U. in the vault?

A. One way or the other, yes sir. I may have gone in there and taken a flat sum out and brought it into the office so we could cash—so I could cash the checks.

Q. Whose signature generally is missing from the check that you could get the next day?

A. Oh, Mr. Cavano's.

Q. Are there more than one person signing these checks?

A. Yes, two are required.

Q. Whose would be missing when you cashed them for Cavano?

A. Well, if I cashed them for Cavano, it wasn't his in that particular instance.

Q. You are leaving me a little bit. I don't get aboard.

A. If I cashed them for George Cavano, it wouldn't be because his signature was missing, but in this other case where he was out of town and it was impossible to get his signature—

Q. Go back to the case where you cashed one for Cavano. Why did you cash it for Cavano?

[fol. 1850] A. Why? He just come in and wanted his check cashed.

Q. Why wouldn't he go next door? His office is on the first floor isn't it?

A. Yes.

Q. Right next to the door as you go in?

A. Yes, that is correct.

Q. Why wouldn't he go to the bank?

A. I never asked him, sir.

Q. Didn't that seem a little unusual to you?

A. Not at all, it never has.

Q. You aren't in the banking business, are you? There is a bank next door, isn't there?

A. We have always cashed checks for members and officials and employees.

Q. What was Mr. Cavano's check, what amount?

A. Generally his salary check.

Q. What would that be?

A. Oh, \$170 some odd dollars.

Q. It would be in the \$170 bracket?

A. Something like that.

Q. You tell me you went in and got a certain amount of money out of the vault to pay him. How much was it? You tell me.

A. It would be something along that line. As I say, I may have taken a lump sum out of there one time or other to cash a complete payroll.

Q. You would have persons standing in line to cash checks while you would go and get this money?

A. No, I mean in preparation for the fact we did not have a signed payroll. I may have gone in there and put [fol. 1851] in a I.O.U. or put in a chit and taken the money out and cashed the checks out of it, the payroll checks.

Q. You had to give these individuals a specific amount of money when you cashed the checks, didn't you?

A. Yes sir.

Q. How much did you give Mr. Cavano. What would his be?

A. I think it is \$170 some odd dollars.

Q. What would Russ Gallagher's be?

A. His is \$100 and some odd.

Q. That isn't close enough. So is mine. So is yours. Let's get close to it.

A. I think it is \$120-something, along that line.

Q. Beg pardon?

A. Wait a minute, it is more than that, about \$120.

Q. About \$120. You have a recollection now as we are here today that you went in and got \$120 out of this fund and gave it to Mr. Gallagher, is that correct?

A. Yes, either that or I already had it in the office.

Q. You understand what you did. You said in the first place you would give Gallagher approximately \$120 when you cashed his check.

A. Somewhere around that, yes sir. The only way for me to definitely determine would be to go back there and check the amount.

Q. I appreciate that. I could determine that too. We are testing your memory.

A. Yes sir.

Q. And your credibility. What about Mr. Matula. How much would his be?

A. \$200 and some odd. About \$280.

[fol. 1852] Q. \$280. You have a recollection now as you sit here you went in and got \$280 and gave it to Mr. Matula when you cashed his check?

A. Sir, I—

Q. You are having a hard time, aren't you?

A. I am not having a hard time at all.

Q. We are getting down to specifics now, no more generalities. You went in and got money and brought it out and handed a man a certain amount of money. I want to know how much. You had to count it out when you gave it to him, didn't you?

A. Yes sir.

Q. How much did you give Mr. Matula?

A. \$280 somewhere around there.

Q. Give or take what?

A. Well, say \$280.

Q. What about Mr. Floyd Anderson?

A. Oh, \$300.

Q. Do you have a definite recollection now that you went in this vault and got \$300 out of this money and gave it to—

A. Sir, I know I cashed his check, but I can't give you the specific amounts on the checks because I don't definitely—

Q. Are you now saying these amounts you have given heretofore are not accurate?

A. Which amounts are they?

Q. \$120, \$170, \$280.

A. I can't pin it down to specific amounts.

Q. If it turns out you are wrong by \$100 you are just [fol. 1853] wrong, is that it?

A. Well, sir, when you handle as many bucks as I handle I cannot recall right down to the dollar or the \$10 or possibly \$25 how—

Q. You didn't do this very often, did you?

A. Do what?

Q. Go in the vault and get money out and cash checks?

A. Yes sir. Well, I did it quite often.

Q. Out of these funds?

A. Not definitely out of that fund, no.

Q. How many times did you do it out of these funds?

A. I couldn't—

Q. Didn't I understand you to say approximately eight or ten times, or am I wrong?

A. I guess, thereabouts.

Q. You tell me.

A. It was around eight or ten, it may have been more.

Q. Eight or ten times in three years, is that correct?

A. Thereabouts, yes sir.

Q. You approximate it for me. How much time?

A. Yes.

Q. This only happened eight or ten times in three years, is that correct, that you went in this box and cashed checks?

A. Yes sir.

Q. You find it difficult to remember the amounts and particular incidents on only eight or ten times in three years?

A. Yes sir.

Q. These checks you cashed for Dave Beck, Sr. How [fol. 1854] much were they?

A. Oh, varying amounts. Not any of them very high.

Q. How much?

A. Ma Carroll, I can't remember all those checks.

Q. You are going to be here a long time remembering. You are just starting. When I get through with you Mr. Regal is going to take over again. We don't think you are telling the truth so we are going to stay with you for a while. How much did you cash checks for Dave Beck, Sr. for?

A. Well, they would be varying amounts.

Q. You said that. Just start varying, guess at anything you want and I will write it down.

A. Maybe \$50 or \$100.

Q. What are you saying? \$50 or \$100. How many times did you cash checks for Dave Beck, Sr.

A. Over the years, as I say—

Q. Three years we are talking about. Out of this particular fund we are talking about. How many times?

A. Once or twice, possibly.

Q. We are now down to once or twice. How much were they this once or twice?

A. Oh, \$50 or \$100.

Q. Was one \$50 and one \$100?

A. Mr. Carroll—

Q. Mr. Beck is coming down and he is going to tell us and I've got an idea it should coincide closely anyhow.

A. Well, it possibly—well, \$50 or \$100 put those two down, sir, but I can't pin it down.

[fol. 1855] Q. What is your recollection? As you went to the vault for Dave Beck's check and came back and handed it to him, how much was it you handed him? You handed him the money, didn't you?

A. I probably brought it back up to him, yes sir, but as I say, I can't give you definite amounts.

Q. I understood you to say a little while ago he sent the checks to you.

A. I said he either sent it down or called me and I went upstairs and got the check. One or the other.

Q. He was present in the building on both of these occasions?

A. Yes, I believe so.

Q. Is that correct?

A. Yes.

Q. Both times he was there when he gave you the two checks?

A. I believe he was.

Q. How much were the checks now?

A. As I say, one may have been \$50 and one \$100. You can put that down.

Q. There are no odd numbers here. No cents, 8¢, 12¢, 25¢. All these checks are even numbered. Didn't you ever have one with an odd cents, \$80.50,

A. I would take the even amount out of there and take the balance out of the office petty cash and then replace the proper amount when the time came.

Q. You kept track of that?

A. Yes sir, I put a chit in there.

Q. Where are the receipts for the amount you took out of your petty cash fund? Where are those notations? When you took the money out of the petty cash fund how—[fol. 1856]

A. I put the check in the petty cash fund and when it came time I would cash the check, reimburse the petty cash fund and put the proper amount in.

Q. These men put you to all that trouble?

A. They always have.

Q. When they could go to the bank next door.

A. They always have.

Q. You should make more money. \$50 or \$100 you say. These were not Dave Beck's personal checks?

A. Not to my recollection, no.

Q. What is your recollection in that respect?

A. Well, I think they were made out to him. He endorsed them. That is the best I can come up with.

Q. You have no independent recollection of where the checks came from or whether he had endorsed them or whether they were his personal checks. They could have been his personal checks?

A. They could have been. I mean—no, I do not recall, Mr. Carroll.

Q. What about Vern Beck now. What checks did you cash for him?

A. Vernice.

Q. How many checks did you cash for him?

A. That is a girl, female.

Q. Her.

A. Oh, probably once or twice. As I say when we couldn't get the payroll—

Q. Can she be located?

A. Yes.

Q. Where is she?

A. She is at the Teamsters.

[fol. 1857] Q. How many checks did you cash for her?

A. I think possibly once.

Q. Do you remember the amount?

A. Whatever her payroll is, sir.

Q. Beg pardon?

A. Whatever the amount of her pay check is.

Q. I appreciate that.

A. No, I couldn't—I can't even give you a definite amount on that.

Q. You have no recollection what that could be?

A. No.

Q. Was this an unsigned check you cashed for her?


A. As I recall, yes sir.

Q. Were these all unsigned checks you cashed?

A. Not all of them, no.

Q. The question I want to direct to you is, what money did you handle for Mr. Dave Beck? Will you give me your answer?

A. Well, I didn't handle any to any extent. I didn't handle any money for Mr. Beck other—

Q. What money did you handle for Dave Beck? 

A. Do you consider cashing checks handling money for him, sir?

Q. That is all right. You can take it that way or you can take money. Let's confine it to money first.

A. Well, that would be it, cashing of the checks. I mean, if you consider that handling Mr. Beck's funds, why—

Q. What does the word "discretion" mean?

A. Discretion?

Q. Yes. How do you define the word "discretion"?

A. Well, it is—you have me—I will have to—

[fol. 1858] Q. What does "discretion" mean to you?

A. I beg your pardon, discretion is—

Q. Have you heretofore used the word today?

A. Yes.

Q. What does it mean to you?

A. Well, to do something at someone's discretion is to do it at their bidding, I suppose, or at their opinion.

Q. Opinion or what was the other word?

A. Bidding or approval.

Q. Your answer to that question heretofore was, "Well, sir, that is why I want to come back and clarify my prior testimony. It was absolutely beyond my recollection that

he had turned over monies to me to be held until their proper discretion was realized." Proper "opinion" or proper "bidding" was realized. "I still don't know their proper discretion" their proper "bidding" their proper "opinion"?

A. Well, their proper—

Q. Is the word "distribution"?

A. Distribution.

Q. Why did you use the word "discretion"?

A. I don't know, sir.

Q. You did all through here. I wondered why you had used it. Is there some reason for it?

A. No sir.

Q. Is it lack of knowledge of the meaning of the word, is that it?

A. That is possible, yes sir.

Q. It isn't that you are confused in the preparation of what you are saying, is it?

[fol. 1859] A. Sir—no sir, it is not.

Q. Would you answer that question for me. What money did you handle for Mr. Dave Beck?

A. Well, as I say, the only monies I handled for him if you consider cashing checks and returning the money to him, I did handle that for him.

Q. Did Mr. Beck know where you were getting this money from that you cashed his checks from?

A. No sir.

Q. Well, did he have knowledge that you had money with which to cash checks?

A. With which to cash checks?

Q. Yes sir.

A. Yes sir.

Q. How do you know that?

A. Well, he knew that there was a considerable amount of money that came over the counter into the office and so forth and generally we had sufficient on hand to cash checks. However, there were times when we did not.

Q. There was \$5,000 or \$6,000 in this particular box.

A. Yes sir.

Q. Was there any other money in the vault?

A. At times, yes sir.

Q. At what times?

A. When we didn't have sufficient time to deposit it prior to the bank closing.

Q. Where would that money come from?

A. That would come in from dues and payments and so forth.

Q. That would be a negligible amount because you could bank every day, wouldn't it?

[fol. 1860] A. It would not amount to a great amount.

Q. Several hundred dollars at the most?

A. Yes, generally.

Q. Well, did it occur to anyone up there that there was \$5,000 or \$6,000 in the vault with which to cash checks and no one knew where that money was coming from?

A. I don't believe it was ever questioned.

Q. Wasn't it rather unusual that the head of the organization, the officers of the organization had no knowledge of \$5,000 or \$6,000 floating around in the vault. Every member of the organization you have said cashed checks there, rather large checks, they lined up to do it, several of them a day, several at a time, wouldn't that occur to someone? This is a strange proceeding here, Mr. Verschueren. Here you are with \$5,000 or \$6,000 that doesn't belong to the union that you are cashing checks out of.

A. No sir, it was never questioned.

Q. Wasn't that rather unusual?

A. No sir.

Q. Where do you think Mr. Beck thought the money was coming from when he sent his checks to you to be cashed?

A. I have no idea what he thought.

Q. Where did Mr. Cavano think his \$200 or \$280 was coming from?

A. Probably from receipts. You see there are times when there is considerable more in the office than \$200 or \$300.

Q. I asked you about that. When are these times?

A. On heavy dues paying periods. The first quarter of [fol. 1861] the month as far as one organization is concerned, the last quarter of the month as far as another organization is concerned.

Q. What organization are you talking about was the heavy one?

A. 174 is the heavy one on the last.

Q. Who collects the dues there?

A. That is collected in the front office and turned in through—

Q. Turned in where?

A. Turned in to our office.

Q. By whom?

A. By the girls in the front office.

Q. Do you make the deposits?

A. We make the deposits.

Q. Not "we". Who makes them.

A. One of the girls.

Q. Working under your direction?

A. Yes sir.

Q. Under your control?

A. Yes sir.

Q. You wouldn't leave that money laying around overnight would you, with a bank next door?

A. We would generally put it in the inside vault, yes sir, and lock it.

Q. And put it in the bank the next day?

A. Yes sir.

Q. How much would that amount to?

A. Oh, it may amount to \$1,000 or \$2,000 or maybe more.

Q. Would you say all these members thought you were [fol. 1862] cashing checks out of the dues that belonged to the members? Is that your testimony?

A. Well, sir, a payroll check is all the same as cash.

Q. I am not arguing with you. I am just asking you. Do you think the members thought these checks you were cashing were coming out of the dues of the members?

A. We were cashing our own members' checks out of the dues. When they came in with a payroll check we would cash it.

Q. Other individuals you took out of this fund, isn't that what you have testified to?

A. I may have taken some members out of there too, but I certainly couldn't name them.

Q. I understand? Where do you think Mr. Cavano, Mr. Bowen, Mr. Gallagher, Mr. Anderson and Vernice Beck and Matula thought these hundreds of dollars were coming from when you cashed these checks?

A. I don't think they ever questioned where they were coming from, sir.

Q. That is not my question to you.

A. Well, I have no idea what they thought.

Q. You were in here on these funds eight or ten different times in a matter of three years at least, cashing checks out of them?

A. Approximately.

Q. Did you ever talk to Mr. Beck about this fund and ask him what he was going to do with it ultimately?

A. I may have, sir, once or twice. I don't think it was ever—he ever gave me sufficient information for me to know what it was all about.

Q. Let's go back to once or twice. When were those [fol. 1863] occasions you talked to him and told him, "What do you want me to do with this money?"

A. When were they, sir?

Q. Yes sir.

A. I couldn't give you—

Q. Just approximate it. It went in there in '54, did it, the money in the vault?

A. Approximately.

Q. Approximately when did you talk to Mr. Beck and say, "Mr. Beck, what about the money you gave me to put in the safe?"

A. Possibly sometime in '55.

Q. When in '55?

A. (No response.)

Q. Just approximately?

A. Oh, I don't—June—I mean, you are pinning me down. It is just a guess on all this, as far as I am concerned.

Q. What was the context of the conversation at that time? Was it in his office and how did you start the conversation?

A. I don't rightfully recall, sir.

Q. You just—

A. All he ever told me was just to hold it there.

Q. I want to know what you told him. Did you go to his office? That was on your mind when you went up there wasn't it. What did you tell him?

A. I couldn't tell you. I don't recall the conversation.

Q. Well, you have testified that once or twice you talked to Mr. Dave Beck about this money that was in the vault. Is that correct? Is that what you testified to?

[fol. 1864] A. I believe so.

Q. You just got through saying it less than three minutes ago.

A. All right.

Q. What did you say to him?

A. I don't rightfully recall what I said, sir.

Q. What did he say?

A. I think all he told me at any time was just to hold it until—

Q. What did you say? You went up to talk to him about this money, did you not, on one or two occasions?

A. Probably asked him—

Q. Not probably, what you did?

A. I don't know, sir. I don't remember exactly what—

Q. Where did the conversation take place?

A. I don't recall.

Q. You went there and went to see Mr. Beck about a particular and definite subject matter.

A. I may have run into him, sir. I don't know what the occasion was.

Q. Why do you assume you ran into him if you don't know?

A. I don't think I have seen him too many times over the last few years.

Q. I am not quarreling with you. I want to find out where you had the conversation on two or three occasions as you testified under oath.

A. I don't recall. I wouldn't say definitely where I had the conversation because I don't remember, sir.

Q. Did you go to Mr. Beck with this definite subject matter in your mind of inquiring what he wanted you to do with this particular money?

[fol. 1865] A. I don't know that, sir. As I say, I may have ran into him. I don't definitely remember.

Q. Would you testify definitely you did talk to Mr. Beck on one or two occasions about this money and ask him what should be done with it?

A. I believe it was mentioned once or twice, yes sir. I don't remember what the conversation was, however.

Q. Mentioned by whom?

A. Well, by me.

Q. What did you mention to Mr. Beck on these one or two occasions about this money?

A. Sir, I don't remember. I definitely don't remember.

Q. I don't want to put words in your mouth, but did you ask Mr. Beck on one or two occasions during 1955 or 1956, "What shall I do with this money you gave me, that is in the safe or in the vault?"

A. Probably words to that effect. I mean—

Q. You can express yourself pretty well, Mr. Verschueren you have done remarkably well here today. Both of us understand English. Wouldn't it be to that effect. If you had something on your mind you would ask him, wouldn't you?

A. It may not definitely have been on my mind, Mr. Carroll. I may have ran into him in the hall.

Q. As a casual remark, "What about that \$5,000 or \$6,000 up in the vault? What do you want me to do with it?"

A. Very possible.

Q. I don't care if it is possible. I want to know what happened?

A. I don't recall.

[fol. 1866] Q. Are you now saying you did not talk to Mr. Beck?

A. No, I am not.

Q. What are you saying then?

A. I don't recall exactly what the conversation was or how it came about.

Q. Without recalling the specific conversation, tell the subject matter, generally, as applied to this money?

A. Something to the effect, as you say, what to do with it and he said just hold it.

Q. All right, we got that out. You said, "Mr. Beck, what do you want me to do with the money?" And he said, "Just hold it." So Mr. Beck once or twice in '55 or '56 told you

to hold this money. You have testified to that. Is that correct?

A. Yes, something along that line, yes.

Q. I don't want something along the line.

A. Well, I don't recall the definite conversation, Mr. Carroll. As I say, I don't remember how it came up or what was said, but—

Q. I wonder if we can find a common ground here somewhere. Do you think we can?

A. I hope so, sir.

Q. Take it all over again. What did Mr. Beck say to you, "Hold the money."

A. Something along that line, "Until we can find out what to do with it, where it belongs."

Q. What would be along that line now besides hold the money. It is either hold it or give it to me, isn't it?

A. Yes. All right, he said hold it until we can find what to do with it, something along that line. I don't know.

[fol 1867] Q. What did you testify to? Hold it until we can find out what?

A. Where it belongs or what to do with it, something along that line.

Q. He knew it was from the sale of some automobiles, didn't he?

A. I said he mentioned automobiles once, that is all I knew about it.

Q. So he said, "Hold it until we can find out where it belongs."

A. Something along that line, yes sir.

Q. He told you that on two different occasions, is that correct?

A. As I recall, yes sir.

Q. That is your best memory as you sit there now?

A. Yes sir.

Q. This would be during '55 and '56?

A. Yes sir, somewhere along in there.

Q. Would one be in '56?

A. I don't rightfully recall, sir.

Q. Would both of them be in 1955?

A. I don't definitely remember, Mr. Carroll.

Q. Just your best recollection?

A. It was two different occasions, I know that.

Q. Did you tell Mr. Beck on these occasions you were taking money out of this money he gave you?

A. No.

Q. Did you ever tell him you were taking money that belonged to him to cash checks with?

A. No.

[fol. 1868] Q. Why wouldn't you do that? Isn't it unusual to use somebody's money, take an envelope and tear it open? That is his property, isn't it?

A. I don't know, sir.

Q. He gave it to you?

A. Yes.

Q. You have assumed everything here today, could you assume it was his money when he gave it to you to take care of. Did you have any right, title or interest in this money?

A. No sir.

Q. Would you have any right to take money out of his pocket?

A. None whatsoever.

Q. Would you have any right to take money that belonged to him, that he turned over to you in a sealed envelope—

A. As I said, he would not question me.

Q. I asked you as to your right to take it.

A. I didn't take it, sir.

Q. Let's say you used it.

A. Yes sir.

Q. Did you have any right to use that money?

A. (No response.)

Q. Why dwell on your answer? Did you have any right to use my or his money?

A. No.

Q. When did it first occur to you to use somebody's money as if it were your own?

A. I didn't consider I was using the money. I always replaced it immediately or shortly thereafter.

Q. There might be some question as to the amount in [fol. 1869] there when he first gave it to you and you gave it back to him, inasmuch as it was a sealed envelope.

A. No sir.

Q. That never occurred?

A. No sir, he never questioned me.

Q. You just ripped the envelope open and used the money and never told him you were using it. Does he know to this day you have used that money?

A. I don't know, sir.

Q. You don't know whether to this day he knows that.

A. No I don't, for a fact, no sir.

Q. I thought he gave you a couple of checks to go down and get the money out—

A. To cash for him, not particularly get it out of that fund.

Q. Where did Mr. Beck think you were getting the money?

A. I don't know whether he gave it a thought.

Q. He must have assumed—

A. He may have thought I went to the bank and cashed it as far as that is concerned.

Q. When do they pay the salaries, the 1st or the 15th or different times?

A. They vary, it is every two weeks, but it falls on different dates.

Q. All these persons could be obtaining money at different times?

A. Not if they were on the same payroll, no sir.

Q. Gallagher, Bowen, Matula, are they on the same payroll?

A. Not all of them, no.

Q. Is Gallagher and Bowen on the same payroll?

A. No.

Q. Who among this list of people—

[fol. 1870] A. The last.

Q. Vernice Beck.

A. Yes.

Q. Floyd Anderson?

A. Yes.

Q. Nick Matula?

A. Yes sir.

Q. Dave Beck?

A. No sir.

Q. George Cavano?

A. Yes.

Q. B. I. Bowen?

A. No.

Q. But there is, one, two, three, four, on the same payroll?

A. Yes.

Q. So it is possible that you cashed four checks out of this fund on one day for these four people?

A. Yes sir.

Q. Is that correct?

A. Yes sir.

Q. But they would be different times of the day?

A. Generally, yes. They come in at varying times.

Q. Would you go in four different occasions and take money—

A. No sir, I may have already taken the money.

Q. You would take a handful out, enough to cover whatever the checks might be?

A. No sir, I would count the money out and take sufficient to cover the payroll.

Q. You say as of this day Mr. Beck does not know that [fol. 1871] you used these funds which he gave you for the purpose of cashing checks and so forth?

A. I don't know whether he knows or not, sir.

Q. You have never told him?

A. Not that I can recall. Not definitely.

Q. You have not discussed the matter of this fund with him in the past—what period of time? Two years ago. A year ago?

A. Oh, probably a year ago.

Q. It has been one year at least since you talked to Mr. Beck, Sr. about this \$5,000 or \$6,000 that is in this box?

A. Uh huh.

Q. Is that right?

A. Approximately that time, sir.

By Mr. Regal:

Q. Mr. Verschueren, when you were gone out to the union hall to get these envelopes and these things we had the record typed of what you testified to before and you

came back and we questioned you again. You testified here early this afternoon that you had received two envelopes from Mr. Beck, one in '54 and one in '55 and then in '56 he gave you some money, or he put some money into one of the envelopes. When you got back this afternoon you changed that and said he put the money in the envelope the second time and the third time gave you another envelope. Which is accurate, sir. If you know.

A. Well, I may have been confused the last time.

Q. Try to get the accurate story then, if you will.

[fol. 1872] A. I believe it was the first. He put it in the second envelope the third time.

Q. The third time he put it in the second envelope.

A. Yes.

Q. In other words then this afternoon when you got back from the union hall and said definitely that there was one envelope and then he took that one envelope the second time and put money into it and the third time gave you another envelope, that was not accurate. Your first story this afternoon was an accurate story?

A. Sir, to the best of my recollection, yes. That is some-time ago so I definitely don't recall when everything took place.

Q. Mr. Beck giving you an envelope filled with \$3,000, \$4,000 or \$5,000 of cash is not standard procedure, it is not something that happened every day, is it?

A. Not every day, no, but it was not unusual. He would give me envelopes with cash in them and I would hold them until he—

Q. He asked for them?

A. Yes sir.

Q. How many times has he done that in the last three years?

A. Oh, in the last three years, I don't think over three or four times.

Q. In those three or four times are these two envelopes included?

A. No, no.

Q. Three or four times besides these two?

A. Yes.

Q. Where did you put those three or four he gave you?
[fol. 1873] A. I put those right in the inner vault.

Q. You didn't put them in this little box in the time vault?

A. No.

Q. Why not?

A. Well, because he had told me to set it aside, let's say. This other was his, I presume was his money.

Q. He told you to set this aside. You never testified to that before.

A. He said to put it away and hold it.

Q. He told you to put the others—

A. Put these away and hold them.

Q. What did he tell you about the other envelopes he put cash in?

A. He just said, put this down there for me or words to that effect. When he wanted it he would call me and I would bring—

Q. He didn't say hold it, just put it down there.

A. Not definitely, he might have.

Q. What was your understanding?

A. Well, those envelopes would have his name on the outside of them, so I would know—

Q. And this one (indicating) of course doesn't.

A. Well, no.

Q. He gave you that and he told you to hold it for him.

A. Not for him, just hold it until what I have—

Q. He gave you this one (indicating) and told you to hold it?

A. Yes sir.

Q. This one that had "stamps" on it.

A. That may not be the original envelope.

[fol. 1874] Q. How did it get the word "stamps" on it?

A. I don't know.

Q. Nobody else had a key?

A. No sir.

Q. Would he take an old envelope lying around and put the money into it, sir?

A. Possibly, sir.

Q. Your story is now, you got one envelope in '54, the latter part, one in '55 and then in '56 he put some money into the first envelope or the second one, is that right?

A. I believe that is how it occurred, yes sir.

Q. That is how it occurred. You say you have received other envelopes from him and they were kept in a different part and different vault?

A. Well, the same vault, different compartment.

Q. Not in the time vault?

A. In the time vault.

Q. But not in that drawer.

A. Not in that drawer.

Q. You testified before this afternoon, before you went out to the union hall, that you gave all of those envelopes back.

A. Yes.

Q. That he asked for them and you gave them back?

A. Yes.

Q. Mr. Devin asked you if you had paid any of this money and you said no sir and you must have said it emphatically because the reporter has "no sir" in capital letters. Mr. Devin asked you if you had ever done anything with the [fol. 1875] monies in the other envelopes and you said no sir and he asked you if you ever paid them to anyone and you said no sir. Then you come back from the union hall after we asked you to bring the money down here and concoct this fallacious story about cashing checks. Are you telling the truth now or were you telling the truth when you told Mr. Devin this money was never used for any purpose at any time?

A. Just a moment, Mr. Regal—

Q. I am asking you a question. When were you telling the truth?

A. Re-state those questions.

Q. I told you what you told Mr. Devin today when you testified before, before you were asked to bring this money down here, that you never had used it, never had taken any money out of this (indicating). This (indicating) was untouched and then you testified when you came back with the money, knowing that it can be checked, that you had used it for checks. Your story is very clear. We know exactly what you are trying to do and no person in this room believes you. You understand that, don't you. And you understand you are standing very close to a perjury

charge, if not aiding and abetting grand larceny. If you want to go down the drain with the other people that are going to be involved in this, you make your choice now. If you want to tell the truth now, you can do so and you will not be charged. Do you understand? That is your opportunity. Do you want to think about it a minute? Do you want to think about it a minute?

[fol. 1876] A. Please re-state that question.

Q. I am telling you what the question was. You were asked whether this money was ever used by anyone and you said "no sir".

A. I was asked whether Mr. Beck's money was ever used.

Q. Yes, this money here (indicating) was ever used. You said Mr. Beck got the other envelopes back.

A. Then Mr. Devin said was any of that money ever used and I said no sir.

Q. Never used and never touched.

A. It is not this money, Mr. Regal.

Q. Just a minute, we were talking about this money. You were talking about the number of times you unsealed the envelope and it was unsealed when Mr. Beck came down to put more money in it, that was the only time it was unsealed, when you talked to Mr. Devin.

A. That is not the way the testimony reads, Mr. Regal.

Q. That is the way it reads.

A. It is not.

Q. Tell us what the true story is.

A. As I tell it to you right now, and on there.

Q. You said this money was never used.

A. I said Mr. Beck's money was never used, sir.

Q. You did not. Tell us what the true story is.

A. The true story as I have told it to you.

Q. Well, just listen to this: "Well, if this has happened a number of times then you haven't held any of the other envelopes, he has picked them up." That means the envelopes he has picked up. "Yes. Have you ever done anything with the monies in the other envelopes you have [fol. 1877] held?" Meaning these two (indicating) "No sir." Now, explain that if you will. You gave all these other envelopes back. Now these two are the other envelopes you have reference to. Did you do anything with this

money. You see that question was asked because I walked over to Mr. Devin, I knew these bills could be checked, and I asked Mr. Devin to check into that. We know that when Mr. Beck carries \$3,000, \$4,000, \$5,000, \$6,000, \$7,000, \$8,000, \$9,000 or \$10,000 in his pocket, we know he carries new bills, he doesn't carry a bunch of dirty money around. He carries new bills, he gave you new bills when he put them in this envelope, if he did, and there are no new bills in here, I wager and I haven't looked at them. When you get your money from the bank to pay your employees you get new money because money only lasts a few days in commerce, and you should know it, or you probably thought of it on the way out there. When you said you never used this money, were you lying at that time?

A. No sir, I made a mistaken answer.

Q. You made a mistaken—

A. Just a minute—

Q. You've made them all day, haven't you?

A. Never used for any purpose, didn't I say that?

Q. You said you never used it.

A. I don't consider cashing checks using it.

Q. You testified you opened those envelopes two or three times only. Now, you tell us you cashed eight or nine or ten checks out of them so you must have opened them.

A. I could take a lump sum out and bring it into the office [fol. 1878] and cash checks and return it.

Q. You could do anything. You could fly if you had wings, but you'll never get wings at this rate, I don't think. Now, do you want to change your story, do you want to tell the truth?

A. I have told the truth.

Q. You are going to stick to it. You have got your story and you are stuck with it, is that right?

A. No sir.

Q. What is the truth now? Let's go back here just a moment. You did not tell the truth when you say you didn't touch the monies in these envelopes, is that correct? You were not telling the truth then or you are mistaken?

A. Just a moment, I was asked if the money was ever used and as I say, if cashing a check—

Q. You were asked if the money was ever touched, not used, ever touched and you said no. No sir, is what you said, then you were asked about sealing these envelopes and you unsealed it once, you counted it once. How did you happen—

A. I didn't say—

Q. How do you know there is \$5,000 or \$6,000 in there? There may be \$10,000 or \$12,000.

A. The only way I know is by glancing at it and, as I say, by taking a certain amount out of it now and then.

Q. There are 5's, 10's and 20's and 100's in there and without counting it you could determine there is \$5,000 or \$6,000, just by looking at it. How do you know there is \$5,000 or \$6,000, or do you happen to know \$5,000 or \$6,000 [fol. 1879] represents the amount of money involved in these car transactions?

A. No sir.

Q. You don't know that?

A. I have no idea what that represents.

Q. You were asked the other day whether there were any record in the books regarding these cars?

A. Yes sir.

Q. This car in '53, what was the figure there. Do you recall what that was, or do you have a lapse of memory again? Do you recall the figure of \$2800, sir?

A. No, I do not.

Q. Do you recall the figure \$1850?

A. That I do.

Q. Do you recall the figure \$1900?

A. I wasn't questioned—

Q. You were questioned only about the \$1850 figure, were you not? You were questioned on the Joint Council books. Isn't that right?

A. Yes sir.

Q. And you checked those books?

A. Yes sir.

Q. You knew we were interested at that time in finding out whether or not an automobile was sold at that time and whether or not those books would reflect a sale of an automobile at that time?

A. Yes sir.

Q. That was in September or October of '54, isn't that right?

A. Yes sir.

[fol. 1880] Q. We told you the date, didn't we? And we asked you to check the records of the books you brought in here, isn't that right?

A. I don't recall you told me at the time.

Q. We didn't tell you the date?

A. Not to my knowledge.

Q. You checked all the books?

A. For three years, yes sir.

Q. To see whether or not those books reflected the sale of an automobile for \$1850 of the Joint Council, didn't we?

A. Yes sir.

Q. You checked those books and you knew what we had reference to and still you had this money in your possession and you tell us now when you come in here today that you received money from Mr. Beck regarding the sale of automobiles and you didn't recall it at that time.

A. No sir, I did not.

Q. You had occasion to talk to Mr. Beck—or you had an opportunity to, and I will wager that you did—but until he knew what the facts were it was impossible for you to concoct a story, isn't that true?

A. No sir, that is not true.

Q. Who is your attorney, Mr. Verschueren?

A. Mr. McGovern has been acting—

Q. Mr. McGovern is your attorney. Have you talked to Mr. Burdell or Mr. Wesselhoeft at any time regarding your testimony here?

A. Yes.

[fol. 1881] Q. Have you attended a meeting where Mr. Burdell and Mr. Wesselhoeft were?

A. No.

Q. Have you been in the presence of Mr. Beck at the time you talked to Burdell and Wesselhoeft?

A. No, I didn't talk with them, no sir.

Q. You didn't talk with whom?

A. With Mr. Burdell and Mr. Wesselhoeft.

Q. You said you did the first time I asked the question.

A. I said I had talked with Mr. Wesselhoeft, sir.

Q. Did you talk to Mr. Wesselhoeft in Mr. Beck's presence?

A. Did I talk to Mr. Wesselhoeft in Mr. Beck's presence?

Q. Yes.

A. No sir.

Q. Who was there?

A. Mr. Wesselhoeft and myself.

Q. Where was that conversation?

A. That was at the Teamsters.

Q. When?

A. Oh, a couple of weeks ago. About a week and a half or two weeks ago.

Q. Right after you testified here or a week after you testified here?

A. It was sometime after I testified here.

Q. Had you talked to him before that time?

A. No sir.

Q. Who else have you talked to after you testified here?

A. I talked with Mr. McGovern.

Q. Your own attorney?

A. Yes.

[fol. 1882] Q. Did you tell Mr. Wesselhoeft what you testified to here?

A. No sir.

Q. You did not. You were talking to an attorney regarding what? What was your conversation with Mr. Wesselhoeft?

A. It was regarding Mr. Beck.

Q. What was the conversation?

A. It was regarding these monies in the vault.

Q. What did you say to Mr. Wesselhoeft?

A. I just told him they were there, sir.

Q. What did he say?

A. He said that is all he wanted to know, or words to that effect.

Q. Did he call you or you call on him?

A. He called me.

Q. Did he ask you whether or not those monies were there?

A. Yes.

Q. What did you tell him?

A. I said they were.

Q. Did he ask you whether or not you had counted the money?

A. I don't know. No, I don't believe he did.

Q. I didn't hear you?

A. I don't believe he did, to the best of my recollection. He may have, however.

Q. When you talked to Beck did he ask you how much was in the box?

A. No sir.

Q. Did he ask you to count it?

A. No sir.

Q. How much money is in here, do you know?

A. I said, roughly, \$5,000 or \$6,000.

[fol. 1883] Q. You have never counted it?

A. No sir.

Q. This conversation with Mr. Wesselhoeft, that took place at the union hall?

A. Yes sir.

Q. Did he come over there?

A. Yes sir.

Q. Do you remember what day it was?

A. No, I don't sir.

Q. Did you call Mr.—what was the name of your attorney?

A. McGovern.

Q. Did you call McGovern after you talked to Mr. Wesselhoeft?

A. Yes.

Q. How soon after you talked to Wesselhoeft did you call Mr. McGovern?

A. Oh, not for—oh, anywhere from five days to a week.

Q. Why did you wait that long?

A. Why did I wait that long?

Q. Yes. Didn't you call McGovern and see what you should do regarding this business here?

A. Yes, I wanted to know whether I should make an affidavit or appear again and therefore I—well, Mr. McGovern was not definitely representing me at that time. I had no attorney, so I decided to call him.

Q. Now, you say that you talked to Mr. Beck the day after or the same day you testified here, is that right?

A. Yes.

Q. And he asked you at that time whether or not you [fol. 1884] still had the money that he had given you in the vault, in the envelopes?

A. Yes sir.

Q. Did he refer to envelope or envelopes, do you recall?

A. No, I don't.

Q. This conversation was only a few weeks ago. Sit there and think just a minute. Let's get the conversation with Mr. Beck. Was it a telephone call?

A. No, it was—

Q. In person meeting?

A. Yes sir.

Q. Where did it take place?

A. I ran into him on the street.

Q. Near the union hall?

A. Yes.

Q. Where was he? Was he coming or were you coming into the union hall at the time?

A. I don't think I was.

Q. Where were you going at the time?

A. I think I was coming—

Q. Back from here?

A. No, I had been back there. I was over in the gas station for some reason to check on my car and he was just pulling out.

Q. What gas station?

A. Right across the street.

Q. What is the name?

A. Standard Service Tire.

Q. You were over there after you had testified here. You had gone back to the union hall to your office and [fol. 1885] you were over there at that time?

A. Yes.

Q. What time of the day was that?

A. Oh, 4:30 I think, or thereabouts.

Q. He was pulling out from the gas station. Does he park there?

A. Yes sir.

Q. He was pulling out from there?

A. Yes sir.

Q. Who was with him?

A. I don't know. I think he was alone when he left, I am not sure.

Q. Driving his own car?

A. Yes.

Q. Did he call you over to his car?

A. Yes, I believe so.

Q. Now, you testified previously that you met him on the street. By that you mean he called you over to his car. You didn't meet him on the street.

A. Well, yes, the same difference. I met him in the gas station.

Q. But he was leaving the gas station and he called you over and you walked over. Did you get into his car?

A. No.

Q. You did not get into his car?

A. No.

Q. You are sure of that?

A. Yes, I am sure.

Q. Positive?

A. Yes.

[fol. 1886] Q. You didn't get in the back seat or the front seat, you stood at the side of the window?

A. Stood at the side of the car.

Q. He was in the driver's seat?

A. No, this was before he had gotten in the car, he was—

Q. Standing beside the car?

A. Yes.

Q. So you walked over to him while he stood beside the car. What did he say?

A. All he asked me was if I still had this money in the deal in the vault.

Q. Did he say in the envelope or envelopes or anything?

A. He just asked me about the money, whether he mentioned envelopes or not, I don't know.

Q. Tell us what his conversation was to the best of your recollection, word for word. What did he call you by name, Fred?

A. Fred.

Q. Tell us what he said.

A. He said, "Fred, is that money that I—still down in the vault?" And I said yes.

Q. You knew exactly what he had reference to?

A. Yes sir.

Q. You had just left here after testifying and after examining the books regarding automobile transactions and we were trying to find out whether or not any money was ever received from anybody to you for the purpose of paying for cars that were sold and you checked the books very carefully and you left here and went back to your office and then left your office soon thereafter and walked out and he called you and said, "Fred, is that money still [fol. 1887] down there for those automobiles?" And you said, "Yes sir." Just like that.

A. I was very amazed.

Q. Just like a thunderbolt. Did you show shock?

A. Yes sir.

Q. Yes sir, by golly I remember (indicating). Did you tell him you had forgotten about it when you testified?

A. No sir.

Q. You didn't. Did you call Wesselhoeft and tell him you had forgotten?

A. No, but he may have.

Q. How did Mr. Beck know you didn't testify about it? He must have known otherwise he wouldn't have had Wesselhoeft come out.

A. Possibly from my expression.

Q. Because of your shock, the expression on your face?

A. Yes sir,

Q. But you didn't say anything to him about it at that time?

A. No.

Q. He didn't say, "What's the matter, Fred, got a pain?" Or did he?

A. No.

Q. He didn't. But from your expression he later thought about it possibly and then he told his attorney, "From Fred's expression I think maybe we are in trouble." Do you think he might have said that to his attorney?

A. I have no idea.

Q. Then his attorney came out to you and he had this conversation with you a week and a half afterward and [fol. 1888] you say there were no conversations in between with Mr. Beck or with Mr. Wesselhoeft or with Mr. Burdell or with you own attorney. Is that correct and true?

A. It was sometime during that time, I mean, that length of time. I am not certain as to—

Q. I am not talking about the conversation with Mr. Wesselhoeft, I am talking about the day you met Mr. Beck out there when he was leaving and you told him that the money was still there and his question and showing this great surprise on your face and saying nothing more about it and the conversation you had with Mr. Wesselhoeft approximately a week and a half after that. Did you have any conversation in between?

A. No sir.

Q. With anyone regarding this matter?

A. No sir.

Q. Did you notify Mr. Beck or anyone that you had not been able to find this item down there and that you had testified that there was no indication on the books, or any other way, of any receipts of money for this automobile, this \$1850.

A. Would you phrase that again, please.

Q. You testified down here that you could find, and you knew of no receipts of money for the sale of this automobile in the latter part of 1954. It was actually October of 1954, and we told you the date at the time you testified when you checked the books. You come in later and tell us you remember in the latter part of '54 that Mr. Beck had given you this money. Now, when you went out there [fol. 1889] you had just testified that you had not found anything in the books and you knew of no money coming in. Do you follow me?

A. I follow you sir. As I say—

Q. Mr. Beck asked you this question at that time of whether or not you still had the money and then you showed the surprise, is that correct? I mean, you were actually shocked.

A. Yes sir.

Q. Were you worried and disturbed?

A. Somewhat, yes sir.

Q. Why didn't you tell Mr. Beck about what had happened then?

A. Why didn't I?

Q. Yes.

A. I didn't.

Q. Didn't you think it was your duty to help your boss if he was innocent of anything and you had some evidence that was necessary and relevant to this matter? Didn't you think that was important?

A. It was important, definitely.

Q. Why didn't you call your attorney or Mr. Devin or Mr. Carroll or somebody else and tell us what it was or were you trying to withhold evidence?

A. No sir, I was not.

Q. You were trying to be truthful with us?

A. Yes.

Q. Why didn't you contact someone?

A. I did contact my attorney. As I say he was arranging for me to come back and volunteer—

[fol. 1890] Q. I know you contact your attorney a week or so after you talked to Wesselhoeft.

A. As I say, I didn't have an attorney.

Q. I know you didn't have an attorney. When you had an attorney, when you finally hired one, it was a week after you had talked to Wesselhoeft. How did Wesselhoeft find out that you had testified in the manner that you did?

A. I couldn't tell you, sir.

Q. You think it was because of the shock on your face Mr. Beck suspected something?

A. I have no idea, sir.

Q. Now, you tell us that Mr. Wesselhoeft came out to talk to you and that occurred in your office at the union hall at 552 Denny Way, is that the address?

A. Yes sir.

Q. What time of day was it?

A. It was in the morning, I believe.

Q. Who was there in the office at the time?

A. I was alone, sir.

Q. What did Mr. Wesselhoeft say when he came in? Does he know you? Has he met you before?

A. I had met him on one occasion.

Q. What did he say when he came in the room. Adjust your mind to the conversation. Tell us what happened? What transpired?

A. He just asked me—

Q. Did he ask who you were or introduce himself or what?

A. No, as I said, we had met at a prior time.

Q. How did he address you, Mr. Verschueren or Fred?
[fol. 1891] A. Fred.

Q. What did he say?

A. He just asked me to show him where these particular sums had been kept and I showed him and that was the end of it.

Q. Did he ask you whether or not you had testified regarding these sums?

A. Asked whether I had testified regarding them?

Q. Yes.

A. He may have.

Q. It seems very important if you had a big shock on your face you would certainly be interested in that aspect. You knew you should have testified when you were here before. You told us that apparently you worried for three weeks. Did he ask you at the time whether you had testified or did you tell him?

A. I think something came up concerning—he asked me if this had been brought up or if I had mentioned it. I think I said no, I had forgotten about it completely.

Q. You told us before all he asked you was whether or not the funds were still there and you said yes. Now, all of a sudden, because it seems logical, I guess, you remember the conversation. Now, let's be a little more logical about it. Did you tell him what they asked you down here?

A. No sir.

Q. You didn't offer to tell him what we had talked about down here?

A. No sir.

Q. Did you talk about testifying further in this matter [fol. 1892] and offering yourself for further testimony at that time?

A. Yes sir—well, not at that time.

Q. You said that is the only time you talked to Wesselhoeft. If you didn't talk at that time when did you talk to him?

A. He called by phone and that is after I talked to my attorney. I told him to contact—

Q. First you testified you talked to Wesselhoeft once? That is not correct?

A. Once by phone.

Q. When I ask you a question in the future about a conversation I mean by any means whatsoever where your voice is conveyed and his voice is conveyed to one another, you see.

A. Uh huh.

(Recess taken.)

FRED VERSCHUEREN, JR. resumed the witness stand.

By Mr. Regal:

Q. Mr. Verschueren, you are still under oath. I am going to open in your presence this Exhibit 76 which is the envelope you received in September of the latter part of '55 as you testified. This is the envelope that you received at that time and this is not the envelope you gave Mr. Beck when he asked for it to put the additional money in. This is the envelope that was given to you in the latter part of '55 and the same amount of money should be in here as was in there at that time, is that correct?

A. Well, no sir, not necessarily.

Q. Tell us why it isn't correct?

[fol. 1893] A. Some may be in the other envelope or some out of the other envelope may be in there.

Q. When he gave you this envelope with this writing on it, referring to Exhibit 77, that says Western Conference or J.C. and then later he gave you this other envelope in '55 or around September, he told you that he—to keep

both of them and you could change the money back and forth, it didn't make any difference?

A. Yes, just said keep it with the other.

Q. Keep it with the other.

A. Words to that effect.

Q. He said it didn't make any difference, it all goes to the same place?

A. Nothing along that line was said.

Q. What did he say to make it clear to you you could intermingle the funds?

A. Nothing one way or the other.

Q. Why were the envelopes kept separate? Why didn't you put it all in one envelope? Wouldn't that have been easier?

A. Possibly, it would be quite full, however.

Q. So when you took money out of this envelope, Exhibit 76, you might have put the money back in Exhibit 77?

A. Possible.

Q. In other words, when you take 76 and take money out of it to cash a check, you would put an I.O.U. in 76, is that right?

A. I just put a I.O.U. in the box, or possibly put it in the envelope.

Q. Wouldn't you put it in the envelope or the box?

A. The odds are I might put it in the envelope or in the box.

[fol. 1894] Q. You don't recall what you did?

A. I did both.

Q. How many checks did you say you cashed out of this?

A. Innumerable checks.

Q. By innumerable do you mean 1,000, 100, 50?

A. In the hundreds, I imagine.

Q. In the hundreds. You cashed hundreds of checks out of this money, hundreds of times. The money you had in the office for the purpose of cashing checks and servicing and helping your members and your officials and so on has been so low you had to use this money that Mr. Beck gave you to keep—

A. You say hundreds of times?

Q. Hundreds of times that happened.

A. No, I say I cashed hundreds of checks. It wouldn't necessarily be hundreds of different times. I may take a lump sum out of there and cash innumerable checks.

Q. I will take this envelope, this is the second envelope you received?

A. I believe—yes.

Q. In September of 1955, or the latter part of 1955, is that right?

Mr. Lawrence: What exhibit number?

Mr. Regal: 76.

Q. Exhibit 76, I intend to refer to it a number of times before I even open 76. Do you see that?

A. Yes.

Q. It is still in its sealed condition. It has not been tampered with.

[fol. 1895] A. Yes.

Q. You have been in the room all the time, except when you went out for the recess.

A. Yes.

Q. It is still in the same condition as when you brought it in here?

A. Yes.

Q. I will open it here by cutting the end. (Opens exhibit) This says "stamps" on the outside and inside the envelope is one airmail stamp?

A. Yes sir.

Q. United States Postage, uncanceled. Put that back in the envelope. You come down off the stand with me, please, Mr. Verschueren, and off the record we will count it.

(Witness and Mr. Regal count money contained in envelope.)

Q. May the record show there is \$2,000 in \$100 bills. Did you count them when I counted them?

A. Yes.

Q. Is that accurate?

A. Yes.

Q. We have \$1,000 in \$50 Bills and \$100 in \$20 bills. So altogether we have \$3,100 in Exhibit 76, is that right?

A. (No response.)

Q. Count that again and make sure we have \$3,100.

A. That is correct.

Q. Do you find \$3,100?

A. Yes.

[fol. 1896] By Mr. Carroll:

Q. Do you know whether or not any of this money is the original money Mr. Beck gave you?

A. No, I would have no way of knowing.

Q. Is it possible there's been a complete turn-over in this money?

A. It is possible, yes.

By Mr. Regal:

Q. Mr. Verschueren, would you count this money and make sure there is \$3,100 and then put it in your pocket. We are going to keep the envelope as Exhibit 76. Exhibit 76 now constitutes solely an envelope and no money. Go ahead and count it. Is it all there?

A. Just a moment. This is somewhat out of order and it takes a little longer. (Witness counts money) Yes sir.

Q. It is all there?

A. Yes sir.

Q. Put it in your pocket now. Now, with reference to Exhibit 77. This is the first envelope that Mr. Beck gave you in October or thereabouts, the latter part of 1954 and this is the envelope that you brought to him and he inserted additional money in, is that correct?

A. Yes.

Q. I am opening the end of that envelope, Exhibit 77. Exhibit 77 is materially in the same condition you brought it down in?

A. Yes sir.

Q. I will open the end by cutting the end with a knife. If you will come off the stand we will count this. Inside the exhibit is a slip. When was this piece of paper put [fol. 1897] in Exhibit 77?

A. I think it's been in there all along.

Mr. Carroll: I couldn't hear.

The Witness: I believe it's been in there all along.

Q. Is that your testimony?

A. Yes.

Q. That was put in there then in October of 1954 or whenever this envelope was given to you?

A. Well, no, I don't know that. It may have been put in when he put the other money in there. I am wrong in saying its been in there.

Q. Have you ever seen that piece of paper before?

A. I glanced at it, yes sir.

Q. Did you read what was on it?

A. To an extent, yes.

Q. Did you look at it the other day when you were asked to check the money to see if it was all there?

A. No, I didn't. I didn't read it.

Q. You didn't open the envelope the other day?

A. I opened it, yes.

Q. The money was wrapped in that piece of paper, wasn't it, inside this envelope?

A. The money was inside of it.

Q. It was inside—in other words, the paper was around the money each time you took money out of this exhibit 77 and you had to unwrap it, take that paper off didn't you?

A. No. No sir, I don't recall that I did.

Q. What was the position of that thing. Come back down [fol. 1898] here. Was this the position of that paper in the envelope when I opened it (indicating)?

A. I won't say whether it was that way or the other way. I would presume it would be the other way.

Q. You would presume?

A. Yes, wouldn't you?

Q. I wouldn't know. My recollection is that I put it back the same way it came out.

A. That would be the hard way to put it in the envelope, I would say, with this (indicating) being the top.

Q. You think it was in this way (indicating)?

Mr. Carroll: The record does not indicate which way you say is this way and which way is that way.

Q. Mr. Verschueren, it is your recollection the money was in the envelope inside the paper with the edges of the

paper up, that is, on the upper part of the envelope where it is sealed?

By Mr. Carroll:

Q. You put the money in the position you say it was.

A. Well, this way (indicating). I don't know, I didn't pay that much attention to it. I would presume that would be the way it would be in there (indicating).

Q. The paper is around the money?

A. Yes.

By Mr. Regal:

Q. Did you take the envelope and hold it open and count the money or take all of the money out of the envelope each time when you needed \$200 or \$300?

A. I would take a portion out and count it.

[fol. 1899] Q. And put the rest back?

A. Yes.

Q. You always did it that way?

A. Yes, I would only take what I needed.

Q. If you happened to need \$70 you would take a bunch of it out and then pay it out and then when you got it back you would shove it back in, you wouldn't take all the money out and lay it in here a certain way?

A. You don't have to do that. You can categorize it in this fashion (indicating) without taking the money out. I generally do.

Q. The bills are lying with the dark part up, not the green, all exactly the same way, are they not? With the 20's on top, the 50's next and then lastly there are two \$500 bills, is that right?

A. Yes.

Q. They are all lying in that fashion. You would do that in the envelope without taking all this money out each time?

A. Yes, that is very easy to do, yes sir.

Q. I know it may be easy, but that is what you would do. You wouldn't take it out and handle it properly, count what you wanted and take it out and put the rest back.

A. No, just generally take a portion and put it back.

Q. So you wouldn't be able to read this paper every time or see it, is that right? This piece of yellow paper?

A. I only recall reading that once. That was a long while ago.

Q. How long ago was that?

[fol. 1900] A. It was a good period of time, sir. You are pinning me down to dates again, now.

Q. You testified, previously, Mr. Verschueren, you had no knowledge of what this money was from. You were told originally by Mr. Beck to hold it for him and he said something to you about automobiles.

A. Yes.

Q. You said you read this paper at one time?

A. Now that you bring it to my attention, I did read it.

Q. You didn't show great surprise as you did when you were talking to Mr. Beck out in the parking lot all of a sudden and something new occurred. You apparently didn't open these envelopes and check in them.

A. I most certainly did.

Q. Who prepared these? Did Mr. Beck prepare them and give them to you?

A. Originally, yes sir.

Q. When, a day or two days ago?

A. No sir.

Q. A week ago.

A. No sir.

Q. When?

A. Sometime ago, years ago.

Q. Now, this Exhibit 79 says: "Money from car sales". Apparently this is instructions to you, isn't it? He gave you a whole batch of money here—by the way, keep your eyes on it all the time, I've got my hands above the table—"Check amount, if any, owed to Western Conference or International to apply new purchases. D. B." Do you know Dave Beck's writing when you see it?

[fol. 1901] A. Yes sir.

Q. Is this Dave Beck's writing?

A. Yes sir, it looks like it.

Q. It looks like he wrote with a thick pencil. Does he always write with a thick pencil, do you know?

A. I believe he does, yes.

Q. It looks similar to this (indicating) only this one isn't smeared because it's been in the envelope, but it looks like the same kind of writing as on this Exhibit 77, except this is smeared, this artistic smearing has been done.

A. Yes sir.

Q. Will you come down here and we will count the money we have taken out of Exhibit 77.

A. (Witness and Mr. Regal count money.)

Q. \$3,500 is that right?

A. Yes sir.

Q. Will you pick it up now and count it as you go through it again. There is \$1,500 in \$50 bills; two \$500 bills and the rest is all \$20's. Get back on the stand if you will and take this money up there, except for the \$500 bills. We will keep two of those here, primarily because I haven't seen one before. Now, these checks that you have cashed all have been for employees out of this money?

A. Yes.

Q. Have you ever cashed a check in excess of \$500?

A. I have many times, yes, whether out of this money or not, I couldn't definitely say.

Q. Do you recall cashing a check in excess of \$500 out [fol. 1902] of this money?

A. I may have, if I happened to have some of this money in the office, yes sir.

Q. What employees in the union make over \$1,000—make \$1,200, they would have to make \$1200 to get \$500 every two weeks.

A. There are none within the union. We do have some members, I believe, that make that, over-the-road drivers.

Q. What members are they?

A. I believe there are some over-the-road drivers and so forth that make quite a good amount of money.

Q. They come in to the union hall, rather than go to the bank, and cash checks for amounts in excess of—

A. Well, we have expense checks too at times that amount to more than \$500 if they have run for a considerable period of time.

Q. So then you couldn't testify that these two \$500 bills are two of the original \$500 bills that were in there?

A. No sir.

Q. You don't recall at some time or another taking a \$500 bill out and giving—

A. I may have taken other money.

Q. Not what you may have done. I am asking you whether or not you recall doing it, paying \$500 over to somebody. It isn't an ordinary every day event to a person even in a banker's window.

A. No, that is very true.

Q. Sure it is very true.

A. Just a moment, I may have used money of different denominations and put those bills back. That is possible.

[fol. 1903] Q. You might have cashed a whole lot of checks and this might be put back by you?

A. Yes sir.

Q. You got all the money except the two \$500 bills?

A. Yes.

Mr. Carroll: Read the serial numbers in the record.

Q. You read the serial numbers of the \$500 bills.

A. L-00119052-A.

Q. It's got a number twelve in each corner.

A. Yes.

Q. Showing the 12th Federal Reserve District.

A. Yes.

Q. Read the number on the other one, if you will.

A. L-0021916-A.

Q. Also twelve, showing it is the 12th Federal Reserve District.

A. Yes sir.

By Mr. Carroll:

Q. What is the source of those two \$500 bills?

A. The source, sir?

Q. Yes.

A. Well, how do you mean that?

Q. Where did they come from? How do they come to be in this envelope?

A. As I say, they might be the original ones put in there by Mr. Beck, I may have put them in myself, if I have taken out a considerable amount of money to cash checks and put these back in again.

Q. Is it your recollection you have put a \$500 bill in [fol. 1904] there?

A. I don't think I would recall it if I did, sir.

Q. You wouldn't recall going to get a \$500 bill to put it in that box?

A. If I went over and cashed checks to return money to this, or if we had money come into the office I may have put a \$500 bill in here.

Q. From what source would you get the \$500 if you didn't get it from the bank?

A. I would get it from the bank or possibly we may have cashed it over the counter.

Q. Cashed what?

A. The \$500 bill.

Q. Let's take one of those \$500. How do you get ahold of them. You don't cash a \$500 bill somebody gave you or you got it in the bank.

A. Yes, what I mean is someone could have come in and we would—someone may have come in to the office and given us \$500 and we in turn gave them \$500 in smaller bills.

Q. In that event you would take the \$500 bills and put them in here?

A. In here?

Q. Yes.

A. If I was owing money to this, yes sir.

Q. Did you do that?

A. I may have, I wouldn't definitely say whether—

Q. You mean a transaction involving a \$500 bill wouldn't be impressed on your mind?

A. Not too definitely, no.

Q. Do you deal in \$500 bills?

[fol. 1905] A. No sir, I don't personally.

Q. I have never seen one before. This is amazing. Somebody gives you a \$500 bill and you have no recollection of it. You sit there and tell me somebody would give you a \$500 bill and you wouldn't remember who gave it to you. Is that your testimony?

A. If they gave it to me personally?

Q. If they came in—if it came into your possession by reason of having cashed a check or something?

A. Sir, the amounts are all I count, if I have the proper amount of money.

Q. I realize that. Let's not talk about that. Somebody handed you a \$500 bill, didn't they?

A. Yes.

Q. Who did, and under what circumstances.

A. Well, as I say, the odds are—

Q. Never mind the odds. We are talking about what the facts are. I am not interested in the odds. What are the facts? Who gave you the \$500 bill?

A. It probably came from the bank, yes.

Q. Probably?

A. It could have come over the counter.

Q. Did you go to the bank and get those two \$500 bills, or didn't you? Did you or didn't you?

A. I don't definitely recall, sir, whether I did or not.

Q. You don't know whether you went to the bank and got a \$500 bill or somebody gave it to you.

A. Whether it came over the counter, no, I don't, sir.

Q. You expect these people to believe you would come into possession of a \$500 bill—

[fol. 1906] A. Sir, \$100 bills are very common.

Q. \$1,000—

A. They come into the office there.

Q. You just got through telling me it was very unusual for you to see a \$500 bill.

A. \$500, it is.

Q. What are the circumstances under which you got it? When did you get it and who gave it to you?

A. Sir, I do not definitely recall when I got it or who gave it to me or whether I got it myself.

Q. If you went to a bank you wouldn't ask for \$500 bills because you were going to cash more checks out of the fund and you can't cash checks with that. Why would you ask for a \$500 bill?

A. That, sir—

Q. It is incredible, isn't it?

A. No it isn't incredible, no sir.

Q. Didn't you tell this jury you are cashing checks out of this fund?

A. Yes sir.

Q. Can you cash checks with a \$500 bill?

A. No.

Q. Why would you get a \$500 bill from the bank then?

A. Well—

Q. Well, what?

A. They may have just given it to me.

Q. You already said you probably went to the bank and got it.

A. With the checks I cashed.

Q. Why would you ask for a \$500 bill in the bank?

[fol. 1907] A. I probably didn't ask for a \$500 bills, but they may have given me one.

Q. You accepted it?

A. Yes.

Q. You couldn't cash a check with a \$500 bill, when you got it.

A. No sir.

Q. Then—

A. There was ample funds generally exclusive of this amount then I probably didn't think it would make any difference if I had \$1,000.

Q. Not what you think now, then, what did you think then when they gave you the \$500 bill and who gave it to you and what went through your mind. Something went through your mind, mister. What went through your mind when you got the \$500 bill and who did you get it from. Tell this jury who you got it from?

A. Well, I must have gotten it from the bank, sir, or else it came over the counter in the—

Q. Not what must have been done. What did you do?

A. I—

Q. I don't care about probabilities. How and when did you get it?

A. I definitely do not remember, sir, how I came into possession.

Q. You want this jury to believe you can get a \$500 bill and don't know the circumstances under which you got it. I am 51 years old and I haven't seen one of them yet. How old are you?

A. 36.

[fol. 1908] Q. How many of these \$500 bills have you seen in your life?

A. (No response.)

Q. Well, how many?

A. I am trying to think, sir.

Q. It isn't very many, is it?

A. Yes, considerable.

Q. I thought you testified a little while ago you had only seen a few of them. You just got through testifying under oath you had only seen a few of them. Which time are you telling the truth?

A. Well, sir, you are getting me so confused—

Q. I am confused?

A. No, but I am.

Q. I don't think the jury is confused. Why should you be confused, you are supposed to be sitting here telling the truth.

A. Yes.

Q. The truth will never confuse you, never. Where did you get that \$500 bill, two of them. Where did you get them? Under what circumstances and from whom and how?

A. They may have been originals—

Q. I am not interested in may have been. How did you get them? Tell me when and where?

A. I cannot tell you, sir, definitely how I got them.

Q. Two \$500 bills and you can't tell how you got them, but you got both by your own testimony in the last three years?

A. Yes sir.

Q. But you don't know the circumstances.

[fol. 1909] A. No I don't, no. These may be the original bills, sir, I don't know. I don't know.

Q. I thought you said you went to the bank and got those bills?

A. Just a moment, you said how did I come into possession of them. They may have been in the envelope originally.

Q. Are you willing to testify now you never got those bills, they are the originals?

A. No, I can't say that, sir.

Q. Is there anything you can say definitely as you sit here this afternoon? Is there anything you can say definitely?

A. Yes sir.

Q. It will be a pleasant relief when that happens.

By Mr. Regal:

Q. Mr. Verschueren, you tell us you might have got these bills from the bank. How many times have you been in the bank to pick up money, to cash checks, would you say? Innumerable, to use a phrase you've used before?

A. Yes sir.

Q. Many, many times in your job you have been to the bank?

A. Yes sir.

Q. And cashed thousands and thousands of dollars worth of checks?

A. Yes sir.

Q. Have you ever received a \$500 bill from the bank without making a request for it? They don't keep them in those tills, you know, at all. You can't get a \$500 bill from a teller because they don't keep them there. Did you [fol. 1910] know that, sir? Did you know that, first. Answer that question.

A. They are there if they have come in that day.

Q. Did you know they don't keep \$500 bills at all behind those windows. They receive them and take them somewhere else. Did you know that?

A. No sir, I did not.

Q. You know it now.

A. No, I don't.

Q. I am telling you now. They don't keep them there. You can't get a \$500 bill without making a request for it, or a \$1,000 bill, the most you can get is a \$100 bill. Did you know that? From the teller's window?

A. No, I did not know that.

Q. We are going to assume, just for the sake of this discussion then, that is correct because I know it to be correct. That is what I have been told by people who know.

A. Yes sir.

Q. Now, we can get the banker in here and get the same banker you've got out there and I assume he is not an officer of the Western Conference of Teamsters or not a member of your union, i. e., the banker out there where you bank?

A. Pardon?

Q. The bank you go to—what bank do you go to?

A. Sixth & Denny Branch.

Q. Mr. Beck doesn't own that bank, does he?

A. Not to my knowledge.

[fol. 1911] Q. Well, assume the banker will come in and tell the truth, can we assume that?

A. Yes sir.

Q. He will tell us they don't keep \$500 bills in those windows. They don't give them to Fred Verschueren Jr. when he brings in checks, they don't give them to anyone under any circumstances unless they ask for them because when you present checks and you want cash the teller always says, "How do you want it, sir?" Don't they? They always say that to you every time, don't they?

A. They sometimes say, "Sir, do you care how you have it?"

Q. Do you care? Then they give you a couple of \$100's or \$300 or \$400 or whatever, have they ever given you a \$500 bill to your honest recollection, sir?

A. Not to my recollection, no.

Q. You have never received a \$500 bill to your honest recollection. Have you ever received a \$500 bill over the counter at the union from somebody and if so, who was it and tell about the man and describe in detail because certainly you wouldn't have forgotten. When did you receive the \$500 bill or would you say now to your honest recollection you never did.

A. I possibly could have.

Q. I know you could have. You could have received a million dollar bill too. Do you have an honest recollection of receiving a \$500 bill over the counter at the union hall or do you not?

A. Not right off-hand.

Q. Off-hand. How long would it take you to think about it?

[fol. 1912] A. Well, it would be something to recall in my memory.

Q. You sit there and try to recall it for a few minutes. Can you recall now?

A. I can, right now, recall no definite time.

Q. You can recall a time?

A. No, I cannot.

Q. You cannot recall any time whatsoever you ever received a \$500 bill?

A. No.

Q. What counter do you have reference to?

A. Well, we have innumerable cashiers in the office. It could be any number of counters.

Q. Well, now you said innumerable before and ultimately it ended up as hundreds. Is it hundreds or half a dozen.

A. Yes, half a dozen, six to eight.

Q. People that receive money?

A. Yes.

Q. What kind of money do they bring in to the Joint Council office? You are bookkeeper for the Joint Council and were before 1956—that is all you were, isn't it, bookkeeper?

A. Yes.

Q. As a bookkeeper you also took care of the receipts and disbursements?

A. Yes.

Q. Of the union, is that right?

A. Yes.

Q. You didn't sign checks until 1956?

A. Until Mr. Sweeny died.

[fol. 1913] Q. It was the middle of '56, around June or May or something of that nature?

A. Yes sir.

Q. Prior to that time you had nothing to do with the disbursements at all?

A. No sir.

Q. You did have something to do with the receipts of money?

A. Yes sir.

Q. Mr. Sweeny did too when he was in charge of them?

A. Yes sir.

Q. What did you do as far as receiving money? You were bookkeeper, weren't you, you were supposed to be keeping books. What did you do at the counter receiving money?

A. Well, I was also cashiering at certain periods, sir.

7. Q. Well, I can't understand how you would get that \$500 if you did get it, over the counter into that envelope because you would take checks from people, cash them there by owing the envelopes these mysterious envelopes, the money. You would take the checks, you would take the checks to the bank and get the cash and bring it back and put them in the envelope and of course you never asked for a \$500 bill because you said there were a number of times, or a couple of times, anyway, when you had to use the contents of these two envelopes 76 and 77, to pay payrolls, which took a good part of the contents of these envelopes, so you certainly wouldn't get any \$500 to pay your payrolls with, would you? Nobody up there makes \$500 in two weeks, do they?

[fol. 1914] A. No sir.

Q. Not on the payroll. So you wouldn't get \$500, you wouldn't make that special request at the bank, so how would that \$500 that came over the counter ever get into the envelope? Under what theory could that possibly get in the envelope? That wasn't your practice. You see, you told us your practice this afternoon, because you realized we wanted to see the envelopes, that you never went to them, you never took anything out and then you went to the union hall and came back and your memory was refreshed in the fresh air and you told us you cashed checks and paid payrolls at times with this money, but each time you would put a I.O.U. in there and then you would adjust it later. Go to the bank and get the money and put it back in here. Mr. Carroll asked you about the \$500 bill and you said you could have gotten it from the bank. We are assuming now, because I know and I think you are pretty well in agreement, that you can't get \$500 bills unless you ask for them at the bank, that you couldn't have got it at the bank, so the only possible way you could have received that \$500 bill is that it is part of the original money that was put in there because you couldn't have got it over the counter, because that isn't your procedure. Nothing you got over the counter could have gone in that envelope. If it could, tell us how.

A. Well, I did go through that originally. As I said, I would take monies from the box and—

Q. From envelopes 76 and 77?

A. Yes. And cash checks within the office, if we did not [fol. 1915] have sufficient funds.

Q. And put L.O.U.'s in there?

A. Yes. When the money came over the counter we could put these checks in our receipts and deposit them and place that money back into this particular box.

Q. If a \$500 bill did come over the counter you could have done that to some great extent and could have taken care of a number of checks?

A. Yes.

Q. You can't recall now, at this time, that any \$500 bill ever came over the counter?

A. No sir.

Q. But you do admit, because it is only logical and sensible if a \$500 bill did come over the counter, you would remember it or there is a great possibility you should.

A. I should think so.

Q. You would say your best recollection is no \$500 bill ever came over the counter, is that right?

A. Yes.

Q. To the best of your recollection no \$500 bill ever came over the counter.

A. Yes.

Q. You would also say, to the best of your recollection, you never got that \$500 bill at the bank because that would have been a ridiculous thing to do, isn't that correct?

A. Yes.

Q. Now, will you say, if you didn't get it over the counter and didn't get it at the bank, it is one of the originals? [fol. 1916] A. It could be.

Q. Would you say it is, under those circumstances, to the best of your knowledge are the two \$500 bills two of the original bills you received from Mr. Beck?

A. I couldn't definitely say that, sir.

Q. To the best of your knowledge, I am not saying you took the figures down off of them, write them down, did you?

A. No.

Q. To the best of your knowledge, these are the two original \$500 bills you received in October of '54.

A. They could be, yes.

By Mr. Carroll:

Q. When you got Exhibit 77 from Mr. Beck, it was sealed, was it?

A. Yes.

Q. And the first time you opened it would be when? When was the first time you opened Exhibit 77?

A. I believe the first time it was opened, as I can recall, was when he added some money to this.

Q. That doesn't fix the date at all, does it?

A. Well, that—well, the time he added some money to it would be '56, I believe.

Q. Was the envelope sealed from the time you got it in '55 until the time he opened it in '56?

A. No, I think I had used some of the money out of here, but had resealed it.

Q. When was the first time then you opened it?

A. Well, that would have been sometime in '55.

Q. When did you first start using money out of these [fol. 1917] envelopes?

A. That would have been the time, sir.

Q. Well, in relation to when you received the envelopes, would it be a month or two months. Let's first fix the date you received the two envelopes. When would you say that date was?

A. Well, the original one was—

Q. Which is the original one, 77?

A. This one, I believe, yes.

Q. When did you receive that?

A. Well, that was sometime in '55—no, '54.

Q. When was it?

A. Well, the original, yes—it was sometime in '54.

Q. You received the envelope which now has been marked Exhibit 77 from Mr. Beck in 1954?

A. I believe this is the original envelope, yes sir.

Q. Could you fix the month of 1954 you received this envelope from Mr. Beck?

A. Well, it was the latter part of '54.

Q. By the latter part you mean from September through December, in those months?

A. Somewhere in there.

Q. You would say within the last four months of '54, would you?

A. Somewhere, yes.

Q. Somewhere?

A. Well, yes, within that period.

Q. Within the last four months of 1954?

A. Yes.

Q. Is that correct?

[fol. 1918] A. Yes.

Q. When did you first open that envelope?

A. Oh, probably the middle of '55.

Q. In the first four or five months of '55, would you say?

A. Yes.

Q. You can't pinpoint it any better than that?

A. No sir.

Q. It might be April, it might be June, it might be January?

A. Yes.

Q. Could you tell me, would it be within three or four months from the time you received it from Mr. Beck?

A. It was in that period, possibly a little more than that.

Q. It might have been five or six months before you first opened it?

A. Yes.

Q. Had you been told there was money in it?

A. Yes, it was self-evident.

Q. I don't understand that. It was a sealed envelope.

A. You can tell by the feel, practically.

Q. Your assumption was there was money in it?

A. Yes.

Q. Why did you open it?

A. Well, I opened it to cash checks.

Q. You hadn't used any of this money in this envelope for four or five months after the receipt of the envelope from Mr. Beck?

A. No sir.

Q. What had you done previously by way of cashing checks?

A. There were times when it was necessary to go all [fol. 1919] over the building to obtain enough money to cash certain checks.

Q. Previous to the use of this money you had no way to cash checks for the employees like you did after you received this money, is that correct?

A. That is correct, yes sir.

Q. That is correct. Now you opened—

A. In some instances.

Q. What is that?

A. In some circumstances, depending on the time of the month and the time of the quarter and so on and so forth.

Q. What funds were available to you at any other time prior to the use of this fund?

A. Well, the general receipts coming over the counter, we could cash—

Q. They were not adequate at all times?

A. That is correct.

Q. When you found them inadequate, then you began to use these funds?

A. Yes.

Q. Is that correct?

A. Yes sir.

Q. The first time you opened this envelope was the first few months of 1955, is that correct?

A. To the best of my recollection, yes sir. I can't recall the dates too well.

Q. I've given you six months leeway, do you need more?

A. It was generally in that period.

Q. What period?

[fol. 1920] A. The period—

Q. You state it now.

A. The first six months, six or nine months of '55.

Q. The first nine months, possibly, of 1955?

A. Yes sir.

Q. Well, then of course it would be maybe eight or nine months after the receipt of the money, wouldn't it?

A. Yes.

Q. It could almost be a year if you took September—from the time you received the money and took nine months in '55 we are back to one year.

A. Yes.

Q. That money could have laid dormant one year before you had—you began to use it?

A. Yes.

Q. Is that correct?

A. It is possible.

Q. The first time you opened it the yellow slip of paper was in it?

A. Yes.

Q. And you read it. Did you then—I believe you testified to that?

A. Yes.

Q. To whom was it directed?

A. I don't know that it was directed to anyone.

Q. You have read it, have you?

A. Yes sir.

Q. Is there something in it that calls for action on the part of someone?

A. Not—how does it read?

[fol. 1921] Q. I am going to let you read it, and see if you can answer.

A. Money from car sales. Check amount if any owed to Western Conference or International to apply new purchases.

Q. It says check it out, doesn't it?

A. Yes.

Q. That calls for action on the part of someone, doesn't it? That is specific directions to someone?

A. Yes.

Q. To whom was that directed?

A. I have no idea, sir.

Q. To whom was the money handed by Mr. Beck?

A. To me, sir.

Q. Would you assume it was directed to you?

A. No, I didn't assume it was a direction to me, sir.

Q. Did you inquire, having read it, who was supposed to check it out and see what was supposed to be done with this money?

A. That—

Q. Check out if any owed to Western Conference or International. Who is supposed to check it out, now?

A. Well, I don't know, sir. I don't consider it my—

Q. You considered it yours to use for the purpose of cashing checks which is diametrically opposite from the purpose to which it was put there, to check out to see if any owed to International or Western Conference. That is what, if you had been following those directions, you would have checked to see if any money was owed to the Western Conference or International, wouldn't you?

A. Well, I don't know definitely what it was for orig-[fol. 1922] inally. I knew it was something about cars I was directed further—I didn't know what to check on.

Q. What direction did you receive when you obtained the money from Mr. Beck?

A. As I say, all he said was just hold this and something about cars, that was the extent of it.

Q. Well, what did he say specifically besides hold it?

A. Well, sir, that is four years ago. I don't remember what he said specifically.

Q. But the first time you opened the envelope which has been marked Exhibit 77, you did read what is on Exhibit 79 to check out if any owed to Western Conference or International to apply to new purchases. You did read that?

A. Yes.

Q. You read money from car sales, didn't you?

A. Yes.

Q. But you didn't follow the instructions here.

A. Well, I hadn't been instructed definitely by anyone. I didn't know where to go. I didn't even know what the money was for.

Q. Weren't you employed there?

A. Yes.

Q. Whose obligation or duty was it to check this out? You had been given the money. To whom did the duty evolve itself upon?

A. Well, I was told to hold it.

Q. You didn't hold it though, did you?

A. It was always available there, sir, in one form of negotiables or another.

[fol. 1923] Q. Who would normally check that out, Mr. Verschueren? Aren't you the auditor?

A. No sir, I am just the bookkeeper there.

Q. Wouldn't you check it out?

A. Well, I imagine that would be up to the duty of one of the officers.

Q. For example, who?

A. Oh, the—anyone—Secretary-Treasurer or—

Q. Did you call it to their attention to follow out those instructions?

A. No sir. I didn't.

Q. Wouldn't that be normal procedure, having read the instructions to turn them over to these officers you say should be taking care of it instead of letting it lay three years and using it for your own purposes?

A. I had no idea what they were to check, sir, and I wasn't informed fully enough from Mr. Beck to know what we are supposed to be checking.

Q. You made no effort to find out?

A. At a later date I did ask him once or twice.

Q. What did he tell you then?

A. He just said to hold it there.

Q. Hold the money there.

A. Yes sir, until it was—until they could determine—

Q. Until what?

A. Until it was determined where it belonged, that is all.

Q. He said that to you. To hold the money there until it can be determined where it belonged?

A. Words to that effect, or possibly just said hold it. All I know I did ask once or twice and it was somewhat [fol. 1924] passed over.

Q. I don't want to belabor this, but isn't there a wide difference in leaving out whole sentences and putting in new sentences?

A. Sir, we—when you are trying to think back four or five years, I can't remember what the full conversation was, let alone what the opening sentence was.

Q. I agree, in some instances. Why then assume something and put a sentence in which you later say that sentence wasn't in there.

A. That is very possible.

Q. Why do you do that?

A. I don't know, sir.

Q. First you say hold it, that is a complete sentence. Then you say, until such time as someone can determine what to do with it. Then you say, maybe he didn't say until such time as someone can determine what to do with it, maybe all he said was hold it.

A. That is very possible.

Q. Why add that other sentence, if you can't remember? Why do you assume? If you assume, why assume that?

A. I can't say, sir.

Q. You are not getting caught here in some kind of conspiracy, are you?

A. No sir.

Q. You are not being made a party to something you are not a party to, are you?

A. No sir.

Q. Are you sure? Somebody just didn't ask you to—

A. To the best of my knowledge.

[fol. 1925] Q. Somebody didn't ask you to come down today and take a little of the heat that is going on, did they?

A. No sir.

Q. You have been a poor witness, don't you admit?

A. Sorry, sir.

Q. You would admit it, wouldn't you?

A. How do you mean, sir?

Q. All your vacillation, your equivocation, your poor memory, by your changing of sentences—I can go on if you want me to.

A. Yes sir.

Q. You have done all those things, have you not?

A. I know, sir. When you sit here this long you become quite nervous, even at the outset you are nervous to begin with.

Q. That would excuse all these things?

A. Not all of them, no sir.

Q. What is your excuse for these other things, why have you vacillated, equivocated, had loss of memory, changed words around. What is the explanation? Because you are doing something that is not the truth?

A. No sir.

Q. You have got a good reputation.

A. Yes sir.

Q. Are you being dragged into something you don't belong in to protect somebody that doesn't need protection?

A. No sir.

Q. Are you sure?

A. Yes sir.

Q. You are positive?

[fol. 1926] A. Yes sir.

By Mr. Regal:

Q. Mr. Verschueren, with reference to this envelope, Exhibit 77, this is the original envelope given to you by Dave Beck in October or November of 1954. This envelope was sealed when you first got it, this is Exhibit 77?

A. Yes sir.

Q. And you didn't open it again until the early part of 1955.

A. Sometime in 1955.

Q. Around six months went by before you had occasion to go into it. When you went into it you saw this piece of paper in there. You saw this piece of paper, Exhibit 79 when you opened it with your finger and unsealed it?

A. Yes.

Q. Then you read the piece of paper. You did whatever you had to do with the money and you resealed it, is that right?

A. I am not certain that I resealed it right at that time.

Q. But it was resealed when the money was put back in. You always kept these envelopes sealed?

A. Not always.

Q. You resealed it at that time, after you put the money back, after the first transaction, the first part of '55?

A. I won't definitely say I did, no.

Q. When did you reseat it after the first transaction, the first time you opened it?

A. I couldn't tell you as to dates, sir.

Q. Approximately when? A few months after?

[fol. 1927] A. I couldn't even approximate.

Q. A year or two years after. Did you leave it open or what? You told Mr. Devin this afternoon that you re-

sealed it right after you opened it. This time you say you didn't. Why do you hesitate?

A. Well, because I—when you open an envelope innumerable times how do you know which time you sealed it and didn't?

Q. You told Mr. Devin you opened the envelope and resealed it. He questioned you at length about opening it with your finger and you would reseal it and then I think he went further and asked you whether or not you used any glue on it and you said no, and still when we have the envelope in this condition, it is stuck very well—and you are getting your two \$500 bills back now, don't miss that part on the record. Do I understand you told Mr. Devin you resealed this envelope each time that you opened it?

A. Well—

Q. Now, you didn't, is that right?

A. No, I didn't every time. Did I say I resealed it every time?

Q. I don't think you said every time, you said you resealed it the times you opened it and put the money back and resealed it and Mr. Devin was very, very interested, he asked you what kind of glue did you use glue and you said no you didn't.

A. I didn't.

Q. This must be excellent glue on the Western Conference of Teamsters envelopes because the thing is perfectly sealed now. Understand we can send the envelope to the [fol. 1928] F.B.I. and determine from them whether or not it has been resealed numerous times, or innumerable times as you said. You were in there innumerable times. You understand that, don't you?

A. Yes.

Q. So if you decide all of a sudden here you are going to tell us the truth—and nobody in the room believes one word you say—you are telling us now that everything you have testified to here today is the truth?

A. Yes sir.

Q. You have nothing to hide?

A. No sir.

Q. And you are perfectly willing to undergo any sort of

examination to determine if you are telling the truth, is that correct?

A. Yes sir.

Q. There is nothing at all that is going to stop you from proving what you said?

A. No sir.

Q. If I tell you now that I have arranged to give you a lie detector test, will you take it?

A. I would have to consult my attorney.

Q. Yes, that is what I thought, because you are not telling the truth, are you? If you were telling the truth you would have no qualms about taking a lie detector test because a lie detector will not work on a truthful person. It is an exceptionally fine machine, you can't fool it and you are absolutely a perfect subject because you are young and you have your wits about you and you would fail miserably unless you are telling the truth. Will you take [fol. 1929] the test?

A. I have heard differently about the lie detector.

Q. Will you take the test?

A. No, I will not.

Q. You will not. You don't have to consult your attorney do you? You don't want to take any test, do you?

A. I will consult him first.

Q. But you won't take any test, will you? Will you, now?

A. I will consult him first.

Q. Yes, that is what I thought.

By Mr. Devin:

Q. Now, Mr. Verschueren, I would like to get as definite an answer as I can from you. Your answers have been largely very indefinite, but you stated this afternoon when you first were examined: "Well, sir, that is why I want to come back and clarify my prior testimony. It was absolutely beyond my recollection that he had turned over monies to me to be held until their proper discretion was realized. I still don't know their proper discretion and I did not recall it until after my prior testimony that I had them on hand. It didn't come up at the time." You meant the envelopes I presume, is that what you were referring to when you said you had them on hand?

A. The funds, yes sir.

Q. Now, you stated here, "I still don't know their proper discretion." By that you meant their proper application, I guess, didn't you?

A. Yes sir.

Q. And you still don't know them, do you?

[fol. 1930] A. No, I don't, sir.

Q. You haven't known them at any time, have you?

A. No, I have not.

Q. And no one has ever asked you to determine where these funds were to be deposited or to go, have they?

A. No sir.

Q. Dave Beck at no time ever told you to deposit these funds in the account of the Western Conference of Teamsters or the Joint Council or the International Brotherhood, did he? Now, you are under oath.

A. He did not tell me to deposit them.

Q. Of that you are positive, are you not?

A. Yes.

Q. You are positive that he did not tell you that.

A. No, he did not tell me that; no, he didn't.

Q. And had he told you that you would have attempted to find out where they should have gone, isn't that true?

A. Yes.

Q. Do you recall whether or not you saw this slip, Exhibit 79, in the envelope when the envelope was first delivered to you in the fall of 1954?

A. No. You mean when it was first delivered?

Q. Yes.

A. No.

Q. You didn't even look in the envelope at that time, did you?

A. No.

Q. It was sealed, wasn't it?

A. Yes.

Q. Who sealed it?

[fol. 1931] A. Mr. Beck.

Q. Did you have authority from him to unseal it?

A. No.

Q. You unsealed it then at your own risk, did you?

A. Yes sir.

Q. And you say you unsealed it some time in the middle, or some time in 1955 in order to cash checks?

A. Yes sir.

Q. When was it that Mr. Beck put the rest of the money in that envelope? Was that the envelope that he put additional money in?

A. Yes, yes.

Q. When did he do that?

A. Well, that was some time in '56, I think that was the latter transaction.

Q. Well, now, I didn't recall that you said that this morning or this afternoon. Until you mentioned '56 a moment ago it was the first time I had heard any '56 transaction. I thought you said they were both in '54 and '55. What time in '56?

A. Oh, the early part of '56.

Q. Do you have any way of fixing that date?

A. No sir.

Q. Now, when did you get the second envelope, Exhibit 76?

A. That was in the interim there some time, sir.

Q. When, about?

A. It was some time in '55, I think.

Q. The fall?

A. I won't say. I am not thinking too well right now.

Q. There was never any money added to that envelope, was there, by Mr. Beck?

[fol. 1932] **A.** No.

Q. This paper, Exhibit 79, remained in that envelope during the time that you would use the money for cashing checks. Each time you would open it, it would be there?

A. Yes.

Q. You never inquired of Dave Beck or anyone else what he meant by that note, did you?

A. I didn't mention the note specifically, no sir.

Q. You never asked Mr. Beck what he wanted to do with the money?

A. I did do that, sir.

Q. What did he say?

A. Well, he just said—

Q. To hold it?

A. Hold on to it.

By Mr. Regal:

Q. Mr. Verschueren, in these envelopes was \$6,600, do you know?

A. Yes sir.

Q. Is there any possibility you could have made some mistake in the transactions you handled, or were you very careful with this money?

A. Yes sir.

Q. You were extremely careful?

A. Yes sir.

Q. Would you say there is any mistake at all in the amount of money Mr. Beck gave you and the amount of money in there now, in your pocket?

A. No sir.

Q. You say there is no mistake whatsoever?

A. No sir.

[fol. 1933] Q. It is the exact amount.

A. Yes sir.

By Mr. Carroll:

Q. Do you have any explanation for Mr. Beck giving you this money instead of one of these officers you said would have the authority to check this out?

A. None, sir.

Q. You said there were several other officers that would have the authority to do what that particular paper directs someone to do.

A. Well, there are two.

Q. Who are they?

A. Well, it would be the president—possibly three—president, vice-president and secretary-treasurer.

Q. But you would not have the authority to do what that directs you to do. You, as a bookkeeper, would not have that authority?

A. No sir.

Q. Notwithstanding that, Mr. Beck gave you the money in those envelopes?

A. Yes sir.

Q. Not only once, but on three occasions he told you to hold the money?

A. Yes sir.

Q. Is that correct?

A. Yes sir.

Q. Is there any explanation for why he would give you the money in those envelopes when he knew you couldn't do what the directions called for you to do, is that correct?

A. Yes sir.

[fol. 1934] Q. Do you have an explanation as to why he would give you that money?

A. No sir.

Q. Did you ask him on these occasions that you talked to him?

A. Well, I only asked him what should be done with it and that was the end of it.

Q. Why did you ask him what should be done with it when you had no authority to do what that told you to do?

A. Because he might possibly direct somebody else to take care of it.

Q. Did you ask him if you should give it to somebody else to carry out those instructions?

A. I only asked him what should be done with the money.

Q. Was he surprised when he found out you had been cashing checks out of this money?

A. I don't know whether he knows it.

Q. Did he reprimand you or chastise you?

A. No sir, I don't know that he knows it.

Q. Beg pardon?

A. I don't know he knows it, sir.

Q. You have never discussed that with him?

A. Not to my recollection, anything definite.

Q. What did you discuss that was not definite about it?

A. I mean, the subject matter never came up to my recollection.

Q. To this day you have never told him you used that money to cash checks?

A. I don't know, sir.

Q. Don't know what?

[fol. 1935] A. Over the years it might have come out. I can't definitely say one way or the other whether it did or not.

Q. You may have told him the purpose for which you were using the money?

A. I may have.

Q. Do you have any recollection of it at all?

A. Not a definite recollection, no sir.

Q. Do you have an obscure or nebulous recollection of it.

A. Yes—well, no—I mean, I just may have discussed it with him. I wouldn't say one way or the other, sir.

Q. You leave me. I just can't quite get ahold of these things. No, yes, maybe. Do you have any recollection at all of discussing the use of this money with Mr. Beck?

A. Any recollection? No, none. Not a definite—no sir, not that I can recall.

Q. There is nothing now, in searching your memory that leads you to believe that at any time between the receipt of this money, as you sit on this stand, that you ever told him you used that money?

A. It is highly possible, but I do not—as I say, have a definite recollection—definitely recall having a conversation with him concerning it.

Q. What makes it highly possible, yet you have no recollection. Those are two inconsistent theories.

A. There are many, many conversations that I can definitely recall.

Q. I am talking about a specific conversation. What makes it highly possible or probable.

[fol. 1936] A. (No response.)

Q. Wouldn't it be logical, if not probable, you don't recall anything about it?

A. As I say, I don't definitely recall it.

Q. The probabilities are that you did not, rather than highly probable, as a matter of logic or am I wrong?

A. Well, no the extent that I would probably have brought it up at one time or other, but I cannot say I definitely did. I don't know whether he knows to this day. I can't definitely say whether he knows or not that the money was in use.

Q. Yet, Mr. Beck with all of his astuteness would give you this envelope with \$6,000 in it with specific instructions to do something and you would retain it for three years and not do it?

A. Well, I was not directed—I did not think I was the one that should be directed.

Q. Nor did you ask him to whom you should give this money to carry out the directions, having read them.

A. Sometime later, I asked him about the money. As I say, all he said was just hold it.

Q. You didn't say to whom should I give this money to carry out the directions contained in the envelope?

A. No. Generally when I talked to Mr. Beck it was very hurriedly and he was very curt and sharp.

Q. Is it odd to you that Mr. Beck would single you out to give you this \$5,000 or \$6,000?

A. Is it odd?

Q. Yes.

A. No, no, I don't think so.

[fol. 1937] Q. That would be the normal, acceptable practice.

A. Well, due to the fact that I did have other monies there from time to time that I did hold for him.

Q. Have you told us what monies they are and over what period of time you held them?

A. Well, I don't know what the amounts were.

Q. Or from what sources?

A. No.

Q. Is there anything about them you recall at all than you did have other money?

A. That is all, just put in envelopes.

Q. Nothing written on the envelopes?

A. His name.

Q. You delivered them back to him at given times when he would request them?

A. Yes.

Q. They always were sealed envelopes?

A. Yes sir.

Q. Did you also open those and make change out of them?

A. No.

Q. How did you distinguish them?

A. Those had his personal name on them, as I say, this money he told me to hold.

Q. This says Western Conference on here.

A. Yes sir.

Q. You are permitted to open that, unseal it and take money out of it, but if Mr. Beck's signature is on it you can't take the money out. Is that a fact? I am trying to distinguish that, what envelopes do you open and what don't you?

[fol. 1938] A. This money, as I say, I was told to hold down there, so I knew there wouldn't be any immediate call for it, you see.

Q. You were told to hold this money?

A. Yes.

Q. But the other envelopes you were not told to hold?

A. I was told to keep them there for him.

Q. Hold and keep?

A. Same difference.

Q. Why didn't you open those too and give them to somebody for cashing checks?

A. Because they had his personal name on it and I thought he might be calling for that money any time.

Q. How do you rationalize that? This has got Western Conference on it, maybe he is going to call for that. As a matter of fact, this has specific directions in it which you ignored. Now where are we?

A. I don't know. I don't follow you there.

Q. I am having difficulty following you. What envelopes do you open and take money out of? If it says Dave Beck you don't open it, if it says Western Conference you unseal it and take money out and use it. How do you distinguish?

A. As I say, I knew these funds would be there—I mean, there would be no rush call of.

Q. How did you know that?

A. Because he told me to hold them there until such a time as they could determine what could be done with them.

Q. You didn't tell Mr. Devin he told you what you now said.

[fol. 1939] A. He just told me to hold the monies until further—

Q. Until what?

A. Until further notice.

Q. Until further—

A. Well, until further notice, or words to that effect. I don't know his exact words, Mr. Carroll. It was along those lines.

Q. Well, that might be twenty-four hours, that might be two days.

A. Yes.

Q. Well, then, why did you open it and unseal it and use the money if that is the factor or yardstick you distinguish this transaction and a transaction with Dave Beck's name on it. Where are we? That is the yardstick you said—

A. It had Dave Beck's name on it.

Q. That is the reason you didn't open it?

A. Yes sir.

Q. That is the sole reason?

A. That, and I knew it was his personal money, yes sir.

Q. You knew it was Dave Beck's personal name because it had Dave Beck's name on it?

A. Personal funds.

Q. That must be why you didn't open it?

A. That is what I said prior—

Q. I thought you said the reason you opened this envelope that—even though it had the name, was because it might be some period of time before somebody called for it, that is why you opened it.

A. Well, there was—there seemed to be no urgency. After [fol. 1940] these funds, after they laid there for that period of time that is when I did start cashing checks on them, when we ran into an emergency.

Mr. Devin: Does any juror have any questions you would like to ask Mr. Verschueren?

By Mr. Wallace:

Q. I would like to ask you, Mr. Verschueren, supposing this was your own individual business you had been conducting, handling this money, suppose you was in business, would you recommend running it on the same principle that the union has been running these money matters?

A. Would I recommend that the union—

Q. You was running a business of your own, would you

say it would be a good idea to run it in this particular way that the union business has been handled?

A. Well, along some lines, no sir.

By Mr. Ostroth:

Q. Mr. Verschueren, I am just a citizen here on—in the community and I don't understand some things the lawyers down here know. I wonder if you could straighten me out on this. The Western Conference and Joint Council 28, are they in the same building? Do they have separate buildings?

A. They are in separate buildings now.

Q. They are near each other?

A. Yes.

[fol. 1941] Q. When did they move apart, how long ago, a few months or a year?

A. Sometime in—when the new building was completed, I think sometime in '55.

Q. Well, is the Western Conference a larger organization than the Joint Council? I mean by that, do they have a larger office force or smaller office force than Joint Council 28?

A. Well, the Western Conference encompasses innumerable smaller divisions and thereby has much larger office force.

Q. More people actually working there for the Western Conference than for Joint Council 28?

A. Yes.

Q. How many does the Joint Council have employed, roughly?

A. Well, twelve.

Q. Twelve for the Joint Council? And the Western Conference has how many, maybe 50 or 60?

A. Yes, including all divisions.

Q. Are there some local union offices there in the same building with Joint Council 28?

A. Yes.

Q. How many?

A. Oh, 20.

Q. 20 unions. They employ half a dozen people?

A. No, I would say the average would be 3. I think the overall average would be 3.

Q. About 60 in the unions and six or eight in the Joint Council. Do you cash checks for the Western Conference. You don't cash checks for them, do you?

A. We have, on occasions.

[fol. 1942] Q. They don't have their own facilities for cashing checks?

A. No, no they have no cash.

Q. You would have need for more than \$400 sometimes if you were cashing checks. The same office doesn't make out checks for the Joint Council and Western Conference and the separate unions?

A. No, the individual offices do.

Q. Your individual office will be cashing checks for six or eight people.

A. If you consider just the Joint Council, but 174 is in there.

Q. They pay all at the same time, do they?

A. Approximately yes, every two weeks, on Friday.

Q. Do you know Mr. Beck pretty well?

A. Yes sir.

Q. When he comes by do you say hello Mr. Beck or wait for him to say hello to you? Are you personally acquainted with him?

A. We usually greet each other, yes sir.

Q. You said way back that it was necessary to get \$50 or \$100 for Dave Beck to cash some checks for him. \$50 or \$100 you said two or three times or was it eight or ten times, it seems like eight or ten times you cashed checks for him.

A. No, it was a couple of times.

By Mr. Regal:

Q. You cash them for him personally when he came down and asked for the cash and gave you his personal check.
[fol. 1943] A. Personal or one made out to him, yes.

By Mr. Ostroth:

Q. When was the last time you used these envelopes for cashing checks? Were you asked that?

A. Well, just recently, sometime in '57.

Q. Not since you were here three weeks ago?

A. No.

Q. I couldn't understand why you would seal the envelopes back up all the time, either.

A. I didn't seal them all the time.

Q. I didn't understand why you would want to seal them. I just got one more question here, I guess. The Joint Council sometimes would not be able to find everybody that is necessary to sign their payroll checks, six or eight checks, so you—

A. 174.

Q. Well, it wouldn't happen at the same time, would they, or would they all be off somewhere?

A. It could happen the same time, yes.

Q. Then they would all come over to your place and get the checks cashed?

A. Yes.

Q. Would you take the unsigned checks for the Western Conference and use Joint Council funds to cash them?

A. Yes.

Q. Then what would you do with these checks. You couldn't put these checks in the bank because they weren't signed.

A. They would generally have one signature and I would have to wait until the other party returned and could obtain [fol. 1944] his signature and thereby—

Q. Who endorsed the checks? The bank wouldn't take them without being endorsed.

A. The payee would endorse them and we would hold them with one signature on them.

Mr. Ostroth: I guess that is all.

(Witness excused.)

[fol. 1945]

CERTIFICATE

State of Washington,
County of King, ss.:

I, Louise Sartor, one of the official court reporters of the State of Washington in and for the County of King, do hereby certify that I am the official court reporter as-

signed to the King County Grand Jury convened in May, 1957;

That I was present before the Grand Jury and reported the testimony of Fred Verschueren, Jr. given before said Grand Jury under oath on the 10th day of July, 1957;

That the above and foregoing is a full, true and correct transcription of said notes taken in the above entitled cause and personally transcribed and typed by me;

That the foregoing transcript of testimony is being furnished to the defendant pursuant to Order Granting Defendant Permission to Transcribe Certain Portions of Grand Jury Testimony, signed by the Honorable Lloyd Shorett on the 30th day of April, 1958.

Louise Sartor, Official Court Reporter.

[fol. 1946] [File endorsement omitted]

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY
No. 30967

STATE OF WASHINGTON, Plaintiff,

vs.

DAVID D. BECK, also known as DAVE BECK, Defendant.

MOTION FOR ORDERS ALLOWING DEFENDANT TO PUBLISH AND INSPECT TRANSCRIPT OF GRAND JURY VOIR DIRE AND ALLOWING DEFENDANT TO PUBLISH AND INSPECT TRANSCRIPT OF SAID GRAND JURY PROCEEDINGS—Filed July 30, 1957

Comes Now the defendant David D. Beck and respectfully moves this Court for an order granting defendant's attorneys permission to publish and inspect transcripts of the voir dire examination of the Grand Jury and the transcripts of said Grand Jury proceedings insofar as they

pertain to the defendant David D. Beck in order to enable defendant to prepare motions to set aside the indictment against defendant.

This motion is based upon the files and records of this case as fully set forth herein and the affidavit hereto attached and the following facts and irregularities:

1. That the voir dire examination of Grand Jury is a matter of public record.

2. That the following irregularities occurred during the examination, investigation and deliberation of the Grand Jury:

a. That there was not sufficient examination of the Grand Jurors, as required by law, to exclude those persons who were biased and prejudiced against defendant.

b. That the Grand Jurors, or some of them, were prejudiced against defendant.

c. That there was improper influence exerted upon the Grand Jurors.

W. Wesselhoeft, Attorney for Defendant.

[fol. 1947] [File endorsement omitted]

No. 30967

AFFIDAVIT IN SUPPORT OF MOTION FOR ORDER GRANTING DEFENDANT'S ATTORNEY TO PUBLISH AND INSPECT THE TRANSCRIPT OF GRAND JURY VOIR DIRE EXAMINATION AND THE GRAND JURY PROCEEDINGS.

State of Washington,
County of King, ss.:

W. Wesselhoeft, being first duly sworn on oath deposes and says:

That he is the attorney for David D. Beck, and he makes this affidavit for the purpose of obtaining a transcript of the Grand Jury voir dire examination and a transcript of the Grand Jury proceedings. That approximately three

weeks prior to calling of the Grand Jury, the defendant appeared, under subpoena, before an United States Subcommittee investigating possible improper and illegal activities in Unions, and that as a result of said appearance, defendant was the subject of considerable adverse publicity through means of radio, television and newspapers. That deponent has information, and therefore believes, that a large segment of the population of Seattle, Washington became biased and prejudiced against defendant. That deponent has information, and therefore states, that despite the fact of the abovementioned bias and prejudice against the defendant in the community, there was no attempt to exclude from the Grand Jury those persons of who were prejudiced and biased. That, in fact, the foreman of said Grand Jury admitted being prejudice against labor unions and was not excluded from said Grand Jury. That deponent [fol. 1948] has information, and therefore states, that there was overheard outside the Grand Jury room, as reported by newspapers, a considerable amount of pounding on the table and loud voices, the explanation for which fact can be properly analyzed only by review of a transcript of the Grand Jury proceedings.

W. Wesselhoeft

Subscribed and sworn to before me this 30th day of July, 1957.

[Illegible], Notary Public in and for the State of Washington, residing at Seattle.

[fol. 1948a] Clerk's Certificate to foregoing paper (omitted in printing).

[fol. 1949] [File endorsement omitted]

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF KING

No. 30967

[Title omitted]

AMENDED MOTION FOR ORDER PERMITTING DEFENDANT TO
PUBLISH AND INSPECT TRANSCRIPT OF GRAND JURY VOIR
DIRE AND ALLOWING DEFENDANT TO PUBLISH GRAND JURY
PROCEEDINGS—Filed September 16, 1957

Comes now the defendant, Dave Beck, and respectfully moves the Court for an order permitting his attorney to obtain and inspect a transcript of:

(1) The proceedings relative to examination of the Grand Jurors with respect to their eligibility and qualifications for service;

(2) The proceedings relative to and including instructions and directions given by the Court to the Grand Jury, relative to their duties and obligations;

(3) The proceedings of the Grand Jury, including the testimony and the directions and instructions made or given to the Grand Jury by the Prosecuting Attorney or by those acting, or claiming to act, for the Prosecuting Attorney, but not including deliberations of the Grand Jury, if any, in the absence of the Prosecuting Attorney or those acting, or claiming to act, for the Prosecuting Attorney, and not including any records indicating the manner in which any Grand Juror voted with respect to the return of the indictment.

This motion is based upon the files and records of this case, together with the affidavit of Charles S. Burdell attached hereto and the affidavit of W. Wesselhoeft, previously submitted herein, and is based further upon the following facts, grounds and allegations:

(1) That the examination of the Grand Jurors and the empanelment of the Grand Jury, together with the instruc-

tions and directions of the Court, were conducted in open court and are not, and were not intended to be, secret or confidential;

(2) That certain irregularities occurred in the course of the empanelment and proceedings of the Grand Jury, including the following:

[fol. 1950] (a) That there was not sufficient examination of the Grand Jurors, as required by law, to exclude those persons biased and prejudiced against the defendant;

(b) That the instructions and directions of the Court to the Grand Jurors were erroneous and prejudicial;

(c) That the Grand Jurors, or some of them, were prejudiced against the defendant;

(d) That unauthorized persons were permitted to attend the proceedings of the Grand Jury;

(e) That the Prosecuting Attorney, and persons acting, or claiming to act in his behalf, erroneously instructed and directed the Grand Jury in its proceedings, and in connection with the interrogation of witnesses engaged in erroneous and prejudicial conduct.

This motion is made in order that the Court may particularly examine and consider the aforesaid alleged irregularities, and is made subject to such limitation upon the use of the aforesaid transcript as the Court may direct, and subject, further, to the understanding that the transcript will be prepared by the Court Reporter who attended the proceedings and that the defendant will compensate said reporter for her services in preparing the transcript.

And, in the alternative, in the event the aforesaid motion is denied, the defendant respectfully moves that he be permitted to obtain a copy of the transcript of the aforesaid proceedings in the manner stated above, and that said transcript be provided to the Court for its examination, but not for the examination of the defendant, and that said transcript be made a part of the record in this case for examination by such appellate court as may hereafter consider any of the proceedings in this case.

This motion is made without prejudice of the right of the defendant herein to move to set aside the indictment herein on the grounds and by reason of the facts herein alleged.

Charles S. Burdell, Attorney for the Defendant.

[fol. 1951]

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF KING
No. 30967

STATE OF WASHINGTON, Plaintiff,

vs.

DAVID D. BECK, also known as Dave Beck, Defendant.

AFFIDAVIT OF CHARLES S. BURDELL

No. 30966

STATE OF WASHINGTON, Plaintiff,

vs.

DAVE BECK, JR., Defendant.

AFFIDAVIT OF CHARLES S. BURDELL

State of Washington,
County of King, ss.:

Charles S. Burdell, being first duly sworn on oath, deposes and says:

That affiant is one of the attorneys for the defendants in the above entitled cases.

For a substantial and continuous period of time prior to and during the proceedings of the Grand Jury there

appeared in the public press, and there was broadcast through the media of radio and television, throughout King County, many news reports of an extremely adverse and damaging nature to the defendants herein, and particularly the defendant Dave Beck, many of which reports were and are wholly untrue and unfounded and none of which were based upon any court verdict or judgment. Among these reports there was included a report attributing to persons of national prominence a statement that the defendant, Dave Beck, "stole" certain sums from the labor union of [fol. 1952] which he is President, and that he engaged in other forms of misconduct. Reports of this nature were continually and repeatedly broadcast throughout King County.

Affiant is advised and believes, and therefore avers, that it is well known throughout King County and elsewhere that such reports, because of their constant repetition and for other reasons, were accepted as true by a substantial portion of the community and that such reports did and must have created extreme prejudice and hostility against the defendants on the part of the community and on the part of the Grand Jurors.

And affiant believes and avers that such reports were of such an extreme and bitter nature that the Grand Jury could not possibly have conducted any impartial consideration or investigation of the matter involved in the indictments herein except and unless the Court and Prosecuting Attorney maintained the most strict observance and care with respect to the rights of the defendants to due process and consideration and deliberation of impartial Grand Jurors, and that it is in fact doubtful whether under any circumstances in view of the nature of the aforesaid publicity, any fair and impartial Grand Jury proceeding could have been conducted.

The Grand Jury was empaneled at a critical period during the publicity referred to above; but nevertheless affiant is advised and believes and therefore avers, that in the course of empaneling the Grand Jurors the Court made the following statement:

"It seems unnecessary to review recent testimony before a Senate Investigating Committee except to say

that disclosures have been made indicating that officers of the Teamsters Union have, through trick and device, embezzled or stolen hundreds of thousands of dollars of the funds of that union . . . It has been alleged that many of these transactions, through which the money was siphoned out of the union treasury, occurred in King County.

"The president of the Teamsters Union has publicly declared that the money he received from that union was a loan which he has repaid. This presents a question of fact, the truth of which is for you to ascertain."

Affiant believes, and therefore avers, that the aforesaid statements of the Court were erroneous, prejudicial and improper as a matter of law and further that they must and did in fact prejudice the Grand Jurors; and.

Affiant further believes and avers that, contrary to the statement of the Court, the question of whether certain sums were or were not loaned was not the "question of fact" the truth of which was or is involved in the charge attempted to be made by the Grand Jurors in the instant cases.

[fol. 1953] Affiant is advised and believes that at no time in the course of the Grand Jury proceedings did the Court or the Prosecuting Attorney advise or direct the Grand Jurors that they should wholly and completely disregard news reports of the nature referred to above or that they should wholly and completely ignore and disregard any prejudice or attitude of hostility to the defendants by reason of said reports or by reason of the fact that the defendants were under investigation by agencies of the United States, or by reason of the fact that the defendants were officers in a labor union.

Affiant is further advised and believes, and therefore avers, that one of the prospective Grand Jurors expressed a prejudice against labor unions and against the defendant, Dave Beck, but that the Court did not exhaustively and fully determine whether such prejudice would affect the impartial consideration of the Grand Jurors but on the contrary appointed said prospective juror as foreman of the Grand Jury.

Affiant has not interrogated or questioned any witness who appeared before the Grand Jury, although two witnesses have made casual statements to affiant concerning the nature of their interrogation and the attitude of the Prosecuting Attorney; and from these statements and from casual conversations with other attorneys, affiant believes that certain witnesses were threatened, harassed, coerced and intimidated in the course of the Grand Jury proceedings; and that if such conduct did take place, the defendants herein were prejudiced thereby.

Affiant believes that it is his duty, as attorney for the defendants herein, to investigate these matters, and believes that it will be his right and duty to interrogate the witnesses known to have appeared before the Grand Jury if a transcript to the proceedings relating to their testimony is not made available as requested in the attached motions.

Affiant is advised by several persons who observed the conduct of the Grand Jury, that the Prosecuting Attorney, or persons representing or claiming to represent him, attended several sessions of the Grand Jury during prolonged periods when no witnesses were being interrogated. Affiant is advised and believes that it is improper and illegal for the Prosecuting Attorney or his staff to urge or direct a Grand Jury to find or return an indictment. Affiant believes it to be his duty to investigate this matter and believes that due process requires a consideration thereof. [fol. 1954] Affiant is further advised and believes that certain of the attorneys who attended sessions of the Grand Jury were not in fact duly and properly appointed as deputies to the Prosecuting Attorney and that they were therefore unauthorized to attend any proceedings of the Grand Jury, and that their attendance would constitute grounds for setting aside the indictment herein.

Charles S. Burdell

Subscribed and sworn to before me this 16th day of September, 1957.

W. Wesselhoeft, Notary Public in and for the State of Washington, residing at Seattle.

[fol. 1955]

[File endorsement omitted]

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

FOR KING COUNTY

No. 30967

STATE OF WASHINGTON, Plaintiff,

vs.

DAVID D. BECK, a/k/a Dave Beck, Defendant.

No. 30966

STATE OF WASHINGTON, Plaintiff,

vs.

DAVE BECK, JR., Defendant.

AFFIDAVIT IN SUPPORT OF (1) MOTION FOR CONTINUANCE and
(2) MOTION FOR RECONSIDERATION OF MOTION TO STRIKE
FROM CALENDAR—Filed October 2, 1957.

State of Washington,
County of King, ss.:

Charles S. Burdell, being first duly sworn upon oath,
deposes and says:

(1) That he is the attorney for Dave Beck and for Dave Beck, Jr. in the above entitled cases; that he makes this affidavit in support of the motion for continuance in the above entitled cases and in support of the motion for reconsideration of the motion to strike said cases from the trial calendar;

(2) That the previous steps taken in these cases are as follows:

The indictments herein were returned by a grand jury on or about July 12, 1957. At the date set for the arraignments affiant was absent from Seattle, in Fort Leavenworth, Kansas. Affiant's associate counsel, William Wesselhoeft thereupon moved for a continuance of the arraignment dates. These motions were denied. The defendant Dave Beck was thereupon arraigned on July 26; [fol. 1956] and the defendant Dave Beck, Jr. was arraigned on July 30. Upon arraignment each of the defendants entered a plea of Not Guilty, but was granted a period of thirty days from the date of arraignment within which to file motions directed against the indictments herein.

After the arraignment, each defendant filed a motion for permission to examine a transcript of the grand jury proceedings, alleging that certain irregularities had occurred in connection with the impanelment of the grand jury and during the proceedings of the grand jury, and stating further that a transcript of the proceedings would be necessary upon which to base motions to set aside the indictments. These motions came on for hearing before Judge Donald Gaines on August 12, 1957. In the course of this hearing affiant suggested that the motions might best be heard by Judge Lloyd Shorett, who had been in charge of the grand jury. A discussion on this point was then had, particularly considering the fact that Judge Shorett was then on a vacation, and further considering the fact that a delay in determination of this motion might require an extension of time within which the defendant might file motions to set aside the indictment.

In the course of the aforesaid discussion before Judge Gaines, Mr. Laurence D. Regal, Deputy Prosecuting Attorney stated as follows:

"... I think maybe Judge Shorett should hear the matter. *Time is not important in this.* (Italics supplied).

"No, there is no hurry. I don't think there is that much rush on that [this?] thing."

At the conclusion of the aforesaid discussion, Judge Gaines referred the motions for examination of the grand

[fol. 1957] jury transcript to Judge Shorett, and set said motions for argument before Judge Shorett on Friday, September 13, 1957; and it was further agreed that the time for filing motions to set aside the indictments would be extended for a reasonable period after the argument and ruling on said motions;

Shortly prior to September 13, 1957 affiant's office was notified that the argument before Judge Shorett was to be held on Monday, September 16, rather than on Friday, September 13. This continuance was not requested by affiant.

Pursuant to the above proceedings, argument upon the motions for examination of the grand jury transcript was held before Judge Shorett on the afternoon of September 16, 1957. At the conclusion of said argument Judge Shorett denied the motions, except insofar as they related to proceedings of the grand jury which took place in open court; and said open court proceedings have accordingly been transcribed and were delivered to affiant on or about September 19, 1957.

After the aforesaid decision, affiant advised Judge Shorett that he had not interrogated any of the witnesses who had appeared before the grand jury because affiant believed, in view of the general rules of secrecy which surround grand jury proceedings, that there might be some impropriety in doing so without permission of the court. Affiant further advised the court that there were some witnesses who believed that they were not entitled to talk to affiant. In this connection, affiant had in fact been told by certain witnesses that they had been advised in the course of their testimony that the proceedings in the grand jury room were to be regarded as secret.

Thereupon the following proceedings took place before Judge Shorett:

[fol. 1958] The Court: Well, certainly these witnesses are indorsed on the indictment, aren't they?

Mr. Regal: Yes, they are.

The Court: (To Mr. Burdell) It would not only be your right but your duty to know a little bit of what those witnesses are going to testify about before you went into the trial.

Mr. Burdell: That's right.

Mr. Regal: There are some witnesses who appeared that are not indorsed on the indictment that I feel counsel has every right to talk to.

The Court: Even those who aren't indorsed, he has the right?

Mr. Regal: Oh, definitely. Those who are indorsed, as you say, it is his duty to talk to them; they are people who are going to be called as witnesses in the case.

In the course of the discussions relative to the above subject, affiant advised Judge Shorett that some of the witnesses who had appeared before the grand jury had left or were about to leave for Miami, Florida to attend the convention and pre-convention activities of the International Brotherhood of Teamsters.

Thereupon Judge Shorett extended until October 19, 1957 the time for filing motions directed against the indictments, and an order to this effect was subsequently entered. In the course of discussions on this point, affiant advised Mr. Regal that this extension of time for filing motions would not be used by affiant as grounds for delay of the trials herein, but affiant stated that there were other grounds upon which he would resist an early trial.

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[fol. 1967]

[File endorsement omitted]

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
 FOR KING COUNTY
 No. 30967

STATE OF WASHINGTON,

Plaintiff,

vs.

DAVID D. BECK, a/k/a DAVE BECK,

Defendant,

No. 30966

STATE OF WASHINGTON,

Plaintiff,

vs.

DAVE BECK, JR.,

Defendant.

EXHIBITS ON MOTIONS—Filed October 2, 1957.

[fol. 1968]

AFFIDAVIT

STATE OF WASHINGTON :

: ss

County of King :

CHARLES S. BURDELL, being first duly sworn on oath,
 deposes and says:

That he is the attorney for each of the defendants in
 the above entitled cases;

That this compilation consists of newspaper and maga-
 zine articles, and references to television telecasts; that
 the newspaper articles were selected from the *Seattle*
Times and from the *Seattle Post-Intelligencer*; that these
 are the only two daily newspapers of general circulation
 in King County; that the compilation was assembled at

the direction of affiant and that all articles are accurate reproductions of or references to news reports; that the circulation of the *Post Intelligencer* in King County is approximately 133,000; that the circulation of the *Times* in King County is approximately 180,000;

That in addition to normal circulation, copies of said newspapers are prominently and regularly displayed at newsstands throughout Seattle at locations where the general public will observe and read the large type headlines printed on the first page of said newspapers; that affiant has personally observed many persons pause to read headlines concerning the defendants herein, and has heard many persons, on doing so, make remarks indicating that they accept as true the reports appearing in said news reports and/or headlines;

That in addition to being circulated in King County, the aforesaid newspapers are sold and distributed in other towns and cities throughout the State of Washington, in-[fol. 1969] cluding, but not limited to, the cities of Bellingham, Everett, Tacoma, Olympia, Vancouver, Yakima, Wenatchee, Spokane, Pasco, Kennewick, Richland, Spokane and Bremerton;

That the magazine articles included in the aforesaid compilation are selected from magazines having wide circulation throughout the United States, and throughout the State of Washington;

That the attached compilation does not include all newspaper reports and magazine articles written and distributed in the State of Washington concerning the defendants herein; that this compilation is illustrative only; that there were thousands of additional and similar reports published in the *Seattle Post-Intelligencer*, the *Seattle Times*, and in other daily newspapers published in and circulated throughout the State of Washington; that of the thousands of such articles and reports affiant knows of none which suggest that opinion be reserved pending trial of charges against the defendants;

That simultaneously with the circulation of such newspaper reports and magazine articles there were continual broadcasts and telecasts throughout the State of Washing-

ton and particularly in the Seattle-Tacoma Area of reports similar in nature and content to the reports and articles contained in the attached compilation; that such broadcasts and telecasts were often repeated several times daily; that practically all of such reports were adverse to and disparaging of the defendants herein; that, as an illustration, during the period from May until the date of this affidavit, the defendant Dave Beck was characterized in said reports as dishonest, as a racketeer, and as a person who "stole" money from and otherwise defrauded the labor union of which he was president; that to affiant's knowledge no broadcast or telecast suggested that opinion [fol. 1970] should be reserved until trial of the charges against the defendants herein; that publicity of the type referred to herein has been so constant and repetitious throughout the country and throughout the State of Washington, and particularly in King County, that it is referred to as "saturation" coverage—that is, news coverage designed, by one or another media of news transmission, to reach the maximum proportion of persons in a given community; that it is well known in public relations and advertising professions that the repeated dissemination of such reports strongly tends to persuade the general public that such reports are true; that affiant is advised and believes, and therefore avers, that a tremendous proportion of the population of the State of Washington, and particularly of King County, does believe these reports to be true;

That many of the reports, articles, broadcasts and telecasts included in the attached compilation, together with many which are not included, related to hearings before a special United States Senate Committee; that this Committee caused many of these hearings to be broadcast and telecast; that pursuant thereto there was broadcast and telecast throughout the State of Washington during the months of April and May 1957 much "testimony" of a nature bitterly hostile and adverse to the defendants; that this "testimony" was not limited by rules of evidence and was not subject to cross-examination; that films of these hearings were made and flown immediately to the Seattle-Tacoma Area for telecast, at

hours selected for maximum observance throughout Western Washington;

That in the course of the aforesaid hearings both of the defendants herein were required to appear; that at the time of such appearances the said defendants were being investigated by other agencies of the United States; and that, upon the advice of their attorneys both of said [fol. 1971] defendants exercised the privilege accorded to them under the 5th Amendment to the Constitution of the United States and refused to testify; that reports of such refusals were widely circulated throughout the State of Washington, particularly in King County, by means of news reports, broadcasts and telecasts; that in the course of these proceedings certain members of the aforesaid committee expressly and by clear implication indicated that anyone who claims or asserts privilege is guilty of something; that a study released by the American Institute of Public Opinion, on or about May 9, 1957, indicates that most Americans believe that anyone who asserts privilege under the 5th Amendment is guilty of something;

That in Volume No. 37 of *Congressional Quarterly*, for the week ending September 13, 1957, there is a report of a survey to determine the issues of greatest importance throughout the country; that the report states that the issue sixth in importance is "Labor union corruption and ways of regulating it"; that the aforesaid *Congressional Quarterly* is privately published at 1156 Nineteenth Street, N.W., Washington, D.C., but is an authoritative and accepted publication devoted to national issues and governmental activities;

That affiant has consulted with approximately fifty members of the Bar in Seattle and elsewhere in the State of Washington; that none of said attorneys have any connection with or obligation to either of the defendants herein; that without exception all of said attorneys have stated that in their opinion it would be impossible for either of the defendants to be accorded a fair and impartial trial in this jurisdiction or in any jurisdiction within the State of Washington at the present time or in the near future.

/s/ CHARLES S. BURDELL

SUBSCRIBED and SWORN to before me this 30th day of
SEPTEMBER 1957.

/s/ Donald McL. Davidson
Notary Public in and for the State
of Washington, residing at Seattle.

[SEAL]

[fol. 1975]

AFFIDAVIT

STATE OF WASHINGTON :

: ss

County of King :

CHARLES S. BURDELL, being first duly sworn on oath,
deposes and says:

That he is the attorney for the defendant in the case
of *State of Washington v. David D. Beck*, No. 30967, and
for the defendant in the case of *State of Washington v.*
Dave Beck, Jr., No. 30966;

That on September 21, 1957, at about 5:25 p.m., affiant
heard and saw a program telecast from Station KTNT-
TV; that said program consisted of an interview of two
attorneys who purported to represent certain members of
the Teamsters Union in legal proceedings to enjoin or
delay an election for the presidency of said Union; that
in the course of said interview, referring to the Teamsters
Union and its present officers, one of said attorneys stated
in substance that pressure was being built up against
"dishonest" union leaders; and that referring to the same
Union and its officers, the same attorney used the terms
"goons" and "racketeers";

That said interview, in its entirety, was repeated on
Friday, September 27, 1957.

That station KTNT-TV is one of three television sta-
tions which are widely heard and observed in the Seattle-
Tacoma area; that telecasts emanating from KTNT-TV,
including news and interview programs, are generally
heard and observed by many thousands of persons in
Pierce and King counties, State of Washington.

/s/ CHARLES S. BURDELL

SUBSCRIBED AND SWORN to before me this 30th day of
SEPTEMBER, 1957.

/s/ Donald McL. Davidson
Notary Public in and for the State
of Washington, residing in Seattle.

[SEAL]

[fol. 1976]

AFFIDAVIT

STATE OF WASHINGTON :

: ss

County of King :

CHARLES S. BURDELL, being first duly sworn upon oath,
deposes and says:

1. That he heard and saw the program "Meet the Press"
as telecast over station KING-TV on Sunday, September
22, 1957; that he is advised and believes and therefore
averts that said program is widely and extensively viewed
by families in King County and elsewhere.

That said program consisted of an interview with James
Haggerty, an announced candidate for President of the
International Brotherhood of Teamsters.

That in the course of said interview questions were
asked which included the assertion as a fact that Dave
Beck had "mishandled funds" and had "brought the Team-
sters Union into disrepute."

/s/ CHARLES S. BURDELL

SUBSCRIBED AND SWORN to before me this 30th day of
SEPTEMBER, 1957.

/s/ Donald McL. Davidson
Notary Public in and for the State
of Washington, residing at Seattle.